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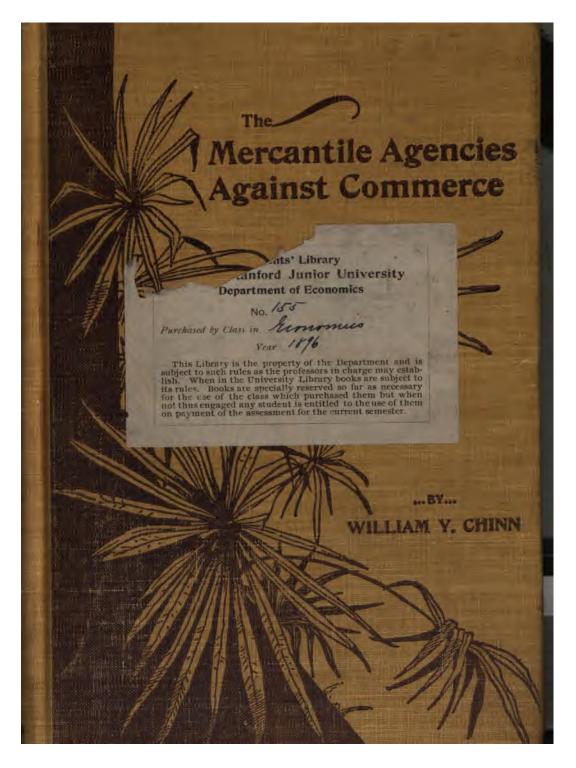
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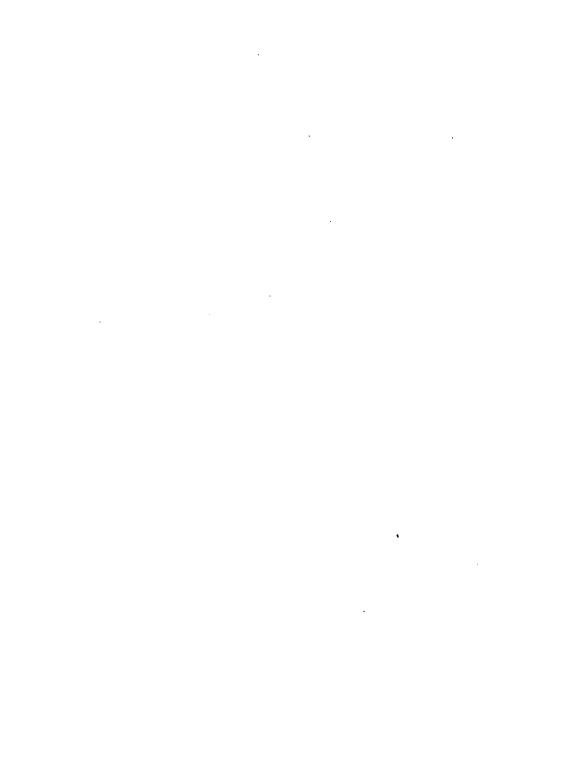
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THE

MERCANTILE AGENCIES

AGAINST

COMMERCE

"ARE WE A NATION OF
SWINDLERS AND LIARS?"

By WILLIAM YATES CHINN
INTRODUCTION BY DUDLEY G. WOOTEN
Of Dallas (Texas) Bar

CHICAGO
CHARLES H. KERR & COMPANY
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PREFACE.

THE main object herein is to arouse one faculty of the understanding in regard to a work which has been thrust into the conduct of our private life—a work which, as one of its representatives said for it, is understood by few—the work of the mercantile agencies.

Although claiming special privilege and facilities, the exposition here given is believed to be more substantial than that commodity which, under the name of confidential reports, is collected in secret and sold to one part of the community as the representation of the character and responsibility of the other. And these, whether affecting the customers of the mercantile agencies, or the great body of citizens whose reputation is taken to make the material for this traffic, but denied any understanding of what is done or said of them by reason of a mystical assumption which always marks the conduct of oppression, both are at liberty to conclude for themselves as to how far trespass of private rights, instead of an elevated order of intellect, is the main requirement of a practical understanding of such work.

There are persons, indeed, who wonder at the mysterious ways of the mercantile agencies; but could the course of their operations be followed through the morass of hidden wrongs, the sense of an awakened civilization must certainly be pained at what had been discovered to it through the processes of its moral understanding.

THE AUTHOR.



INTRODUCTION.

It has been the favorite, if not the accepted, theory of writers on sociology and political science, that the ideal society and its institutions would be characterized by simplicity of structure and unity of design. Contrary to the prevailing law of higher organisms in the natural world, the social structure has been considered as destined to evidence its most perfect development by the want of complexity in its final analysis. Whether or not that is the true and ultimate destiny of social organization and civil government, it is clearly true that the conditions of modern society are far from realizing that consummation. The fundamental requisite of all simplified social and political organization is the supremacy of Individualism; whereas, present conditions antagonize every essential attribute of personal sovereignty and minimize the influence, duties and obligations of the individual man.

Coöperation, incorporation, the growth and power of impersonal, irresponsible and intangible agencies, characterize every department of modern life and give complexity to every relation of modern society. The effects of this system are displayed in many and alarming ways. The practical details and development of finance, industry, commerce and economics—to say nothing of the more theoretical aspects of moral, social and political phenomena--are ruled by combinations and conspiracies before which the individual tradesman or citizen dwindles into a mute and impotent automaton.

Men are alternately maddened and paralyzed by the unseen environment which at once envelops and overwhelms their freedom, their personality and their very destiny in life. The growing evils of corporate power and concentrated monopoly are challenging the protests of the wisest observers and most conservative thinkers of the age, while the less enlightened masses of the people are giving utterance to their opposition in various and sometimes vicious schemes of social and political revolution.

Private corporations, properly so called, constitute merely one and the most noticeable manifestation of modern tendencies in the economic world. They are simply the surface indications of a prevailing disposition to concentrate wealth and power in the hands of organized selfishness, as against personal effort and individual responsibility. The real evil is deeper and its influence is wider and stronger than the mere abuses of incorporated capital. It is embodied in that false system of modern social and economic science under which

"The individual withers and the world is more and more,"
—that world whose motive power is money and whose
sole standard of success is wealth, however obtained.

Among the many and venal accessories and outgrowths of this mercenary system, the Mercantile or Commercial Agencies, so called, are the most plausible in their motives, the most pernicious in their methods, the most corrupt and cowardly in their operations, and the most dangerous and degrading in their influence and results. Professedly organized to protect credit and advance commerce, they stab the one and debauch the other. Hypocritically pretending to rely upon voluntary support and to afford impartial information, they are sus-

tained by a gigantic levy of indiscriminate blackmail, and they habitually dispense to their involuntary patrons the most unreliable and distorted reports, based on imperfect and often imaginary data. Originating in the commercial centers where corporate wealth and corrupt combinations rule trade and credit, these Agencies have become a curse to all honest commerce, a menace to individual enterprise and industry, and a perpetual terror to every business that will not pay tribute to their coffers or acknowledge allegiance to their tyranny. In the train of the larger establishments have sprung up a horde of lesser concerns, disguised as "collecting agencies," "clearing houses," "commercial bureaus," wherein pettifogging attorneys and irresponsible clerks compile and disseminate a villainous literature of blackmail and extortion, in base imitation of their metropolitan prototypes.

Misled by the pretentiousness of their claims and not understanding the methods of their operations, some of our courts have been seduced into countenancing these commercial agencies, and in some instances judicial protection has been extended to their nefarious practices; but they are none the less deserving of denunciation, and they will ultimately receive exposure and condemnation at the hands of an enlightened judiciary. The essential factor in all honest, healthy commercial credit is confidence and candor; but the distinguishing feature of the mercantile agency is deceit, cowardice and secrecy. Fair dealing, open conduct and absolute personal responsibility, legal and moral, are the indispensable elements of all legitimate, honorable and trustworthy business; while the mercantile agency hides its every movement in a devious labyrinth of espionage and deception, shrouds its operations in mystery and

darkness, denies all moral and legal liability for its clandestine injuries to private character and credit, and asserts its immunity from responsibility for its secret and sinister depredations upon the commercial integrity of the country.

The time has come when the business world should understand the foe it has been entertaining and nourishing in its midst; the opportunity is ripe for a fearless and frank exposition of the methods that are undermining the credit and responsibility of private industry throughout the country.

The following book has been prepared by one who is personally and practically familiar with the operations of these establishments, and he has given the public the benefit of his knowledge and observations on the subject. No more timely publication could be issued, and if it shall serve to awaken the conscience and independent action of the economic world against the evils of the system now prevailing, it will accomplish an invaluable work for the general public, as well as help to liberate our business men from a degrading and dangerous thrall-dom.

DUDLEY G. WOOTEN.

THE

MERCANTILE AGENCIES AGAINST COMMERCE.

CHAPTER I.

At this period of civilization the arbitrary taking of what belongs to another can be recognized only in a state of governmental laxity, the granting of special privilege by law, or, in that, society is unable to afford a remedy against the acts of the powerful wrong-doer. Essentially, one's name, his private reputation, is the highest attribute of personal right. Even by his consent this right may not be converted into a commodity for the profit of another, who makes such business a traffic upon the public, unless it is his intention to uphold an enterprise which must lower the standard of society, when he becomes a wrong-doer himself.

From the dangerous privileges they exercise, stimulating an arrogance which would produce on others the feeling of obedience, among the disorders for public consideration are the private systems of espionage which, to an alarming extent, have fairly rooted themselves in our national organism. Of quasi-legal recognition, they have flourished to become forces, when now in the most enlightened period of the world, in this country, where it is claimed the protection of private rights is held sacred, we lead all others in maintaining these anomalous enterprises. The indifference displayed by public men in regard to their work is just cause for amazement, if suspicion is not aroused; and the manner in which remedial law is confounded for their benefit must lead to the inquiry if somewhere there is

not a reciprocity that exalts them to their stronghold

of immunity.

For gain, conscience is put aside by those who take no heed in its pursuit, so chiefly to apprehend and punish these the secret service of government has become a necessary adjunct. Yet, in this service, performed under the only authority for such work, and then only for protecting government against particular crimes, mainly in its fiscal arrangements, but not an interference with the citizen in his lawful pursuit, as it would then be an aggression, the bounds of duty and trespass are clearly defined; while, for the purpose of exploiting him in this latter respect, the private systems would have no limit set to what they do, professedly in promoting and protecting a special clientage of citizens. It is foreign, however, to these pages more than to advert to the systems which would supersede the state in its police or military function on behalf of and in the pay of private interests. And yet, these armed detectives who at times spill blood are not as hurtful to society in the aggregate as the larger army, which would also supersede a function of government and in similar pay; and whose acts, while not so physical but in equal stealth, thus affecting more nearly the vital of the social constitution, are directed more against the moral and material welfare of the whole people in their individual rights. And like the parasite, having found its sustenance, it flourishes by no law of compensation, contributing no return to the body on which it thrives.

The money-making devices, called mercantile agencies, from their inherent methods are inconsistent with the free mobility required by commerce. They are sometimes known as commercial agencies, but under what name the method is one and the same in the plan of assigning to those, who may or may not be engaged in commercial pursuits, their standing, in reports and symbols which pretend to represent the condition of private character and pecuniary responsibility. The object of the work is for a money consideration from those who are disposed to buy these symbols, founded arbitrarily on the reports which, being compiled from various

sources called authorities, are communicated as well to the purchaser who is under a contract of secrecy. It may hence be plainly seen that, instead of being aids to commerce, on which they have fastened, the place they have assumed to occupy may be used to hinder and corrupt with a power the most extraordinary yet invented in the quest for gain; and whether this power acts with those causes which produce such disastrous effects on commerce in its larger scope, or on the individual so engaged in some remote corner for a livelihood, in too many instances distressing results may be traced directly to this offending source. Their emissions through the newspapers, which they designate as trade reviews, in general, are nothing more than what has been given to the public by the newspapers in the way of news items, but which they garner to shape into elaborate epitaphs which are returned to the newspapers for publication to answer the true purpose of free advertising. Standing in the relation it cannot otherwise be towards those who are not their customers, and operating through the machinery which they employ, the probability of efficiency even to their customers is against them, apart from the fact that such work is against public conscience and therefore unlawful.

But not confined to the channels of commerce to impede or destroy, the evil reaches out in the moral atmosphere of every community, forcing the timid to obey their mandate or in teaching others the way to commercial dishonesty. If man has falsehood and cunning in his nature nothing so induces these into play, especially when self-interest is involved, as when the interloper, commonly regarded as hard to place and when placed found to be irresponsible, meddles in his private affairs for the purpose of discovering them to others for pay. It is human to repel such interference, were it not "business" on the part of some people to use the meddler for their own advantage. And the man who turns informer on his neighbors as the miscalled correspondent of a mercantile agency—he imposes on himself the work of an emissary which is too low in the scale of social economy to have a place. The arrogance and oppressions of such work, from whatsoever hands it emanates, are more visible each year; while there are thousands of the constituent parts of society that are harassed or destroyed by this inquisition, the cause hardly understood by themselves, and whose failure or

endurance may never reach public notice.

The civilizing force, which invented and invested commerce as perhaps its chief auxiliary for lifting man continually to a higher civilization, has an early duty to perform in divesting itself of an ignominy that retards and scandalizes its progress. Commerce is a vehicle for transporting society to the highest plane; it is charged with revelations of human attainment. As another has said, "it is altruistic, otherwise it could have no existence." It meets with impediments and is stunned at times, but in its order harmony must prevail. There are antinomies, it is true, factitious, however, but because it is not better applied to art instead of being made a hackneved tool to serve the purpose of selfish greed. Credit, its chief exponent, over which there would be self-appointed arbiters, is being restrained in its confidence by the most specious games of chance. And while commerce may be superimposed by the cupidity of man, who in one disguise or another appears as its determined destroyer, yet its movement has been onward to his amelioration and broader intelligence. The constant victim of debauchery, its plan is noble as it is necessary; and having brought the quarters of the earth into magnetic and ample communication with each other, it would be prostituted still as the instrumentality for satisfying the most remorseless lust for the power and tyranny of wealth that ever disgraced mankind.

Social life will be put on the road to its high estate when commerce is differentiated from the false lights of self-aggrandizement that illumine only its debasement. Vindicated of the wrongs done in its name, it will be found to be the transcendent light, kindled from human necessity, to lead man to the philosophy of what he is and his duty to his fellow man. Corruptly practiced, it brutalizes its environment; while the process of

an efficient correlation with society lay through the

door of political honesty.

As knowledge is acquired men will not be chained in slavish submission to the selfish maxims of the "successful business man," or be obedient to his ally, the political boss; for at the threshold, encouraged by the sympathy which is evoked from all lovers of justice, those that experience the evils brought upon them by a perverted commerce will not shrink from the duty of resistance. The Bill of Rights shall be something more than a fanciful theory; the organic law restored from the extremity into which it would be sunk as the handbook for intrigue and wrong-doing under the mask of promoting the general welfare. The definition that we are a government of law instead of men has its mystic quality, which coincides with the abstruse technicalities dealt out to the people in the form of precedent, attended, however, by special and sentient applications at variance with the doctrine that it is the masses in a nation whose lot ought to be the main concern of the nation's government. But there is one season for this concern to manifest itself quite deeply, when at election time the interests of the political boss harmonize with the "successful business man." Thus it has come to pass the people now accept party platforms as nothing more than declarations made to be fulfilled by breaking them in the interest of the secret alliance, as it is too often realized that elections in various parts of the country to particular offices are but the outward formality of the consequent fact that a crafty power through its henchmen has again victimized the popular confidence.

There are those who narrow government to a warfare, each for himself, or in combination to make the pressure more telling, to secure the special benefits which result from the manipulation between the office-seekers and holders, and those who exploit the substance of the people through them as the indispensable allies. Affected partisan antagonism is losing its potency for deception; the public begins to appreciate that tergiversation of repulsion and attraction which is borrowed

from no phenomenon, but is that of a well understood hoodwinking as it is practiced in the manipulation of practical politics. Without the reciprocal obligation that must exist between political dishonesty and commercial dishonesty, sustained by a technical judiciary, there would be no genesis of a plutocratic cult that man by nature is voracious, and to feed on his kind is the only relish that stimulates his insatiable appetite.

And without this depravity we should not be witness to the scandal on the rights of private life by organized systems of espionage, proclaiming their authority in the name of necessity, law and usage. The mutual relation is always sensitive in response to an interdependent activity. If the political side must have its corps of strikers and bulldozers, the other side is not behind with its bureau of spies and detectives to watch upon and report as they see fit the names and standing of those who labor in the field of production. The effrontery of this coalition, producing its results on society, may well excite the people to a mutual pledge of protection.

Both law and government are progressive sciences; but the end can never be attained under forms which have been invented for sustaining the systems that exploit one part of the community for the benefit of another; in legislative and judicial acts there should be no juxtaposition of the classes and the masses, and the artful verbiage would need not be resorted to, implying a discrimination, because the courage was not yet bold enough to express in undisguised terms the superior right of the one over the other. Yet, law and its administration make the foundation and shield of society, which to survive must naturally persist in the science of progress, although invariably there are those to oppose and abuse both, ready to pervert any state of society, and who will always be found in select numbers enriching themselves on the wantonness they produce. It is against such as these true government is ever contending. The lords of sophistry, they create the disturbing influences, when they are heard selfishly proclaiming the dogma of conservatism; do not disturb the existing order, they say, for things untried. As the existing order comes from them, of course they should be satisfied with it.

And as the messages tell of the complaints against the oppression of greed in every section of the land, this reassurance is but the mockery of those who would strike down any advantage of a victim to satisfy the Moloch of money. But impartial law, in theory the protection of the social status as a whole, is never on trial except by the wrong-doer, while we should be content with that direction given it which would restore the guaranty that we are a government of the people, one and indivisible, with no recognized classes in op-

position to the masses.

From the nature of the situation it would be well to take a survey of the prospect, its complexion being a reflex of those ends which operate for or against the social well-being. The most vitiating cause is a corrupt commerce, without which corruption in politics would be ill-requited, producing a train of wrongs whose reaches are determinable only by the industrial depressions as they occur at briefer intervals and in lengthened periods of duration. The climax is reached by no means in the killing of a working man here by private detectives, or there in the surreptitious invasion of domestic rights by the mercantile agencies; yet, these are not merely the precursors that typify the influences which are shaping the tendency of bringing about the deliberate clash a one-sided or unsympathetic law must provoke. For long these have been felt to be manifesting an influence on their own behalf with the administration of government through the relation of reciprocity. Strife is going on incessantly between labor and capital; dividends supplant humanity in the relation of employer and employé; under legal pretexts responsibility is evaded; subterfuge and dodging resorted to for injuries done under the fictitious impersonality of corporate conduct. Courts opposing each other on questions of fundamental interpretation; charges, such as were never before so outspoken, of venal duplicity, aimed at members of the highest legislative body; the

acquisition of money the uppermost topic in casual conversation; commerce made the badge of oppression, abounding in plans for rapid accumulation, the least expensive or troublesome the most meritorious, and no questions asked as to the injurious effects on others.

So it will be perceived that, on recalling the perversions to which commerce is subjected, the thought can not be dissociated from some review of the political status, which includes the administration of justice; for, as the design of commerce is hindered, society is

thus impaired in its organized development.

In the life struggle every man is his own responsible agent, possessing an effluent philosophy which is higher than the opinion of artificial tenet, and when strong and willing the manner of his livelihood is prompted by the sense of his opportunity. The lesson is not hard for him to understand; he has convictions as to his path of duty; and if opposed in that direction he understands a duty just as plain that when met by wrongful opposition he should redouble the strength of his right. Wrong is an indefensible ideal, but often it is puissant; right is ever clothed in the strength of a spiritual attribute, but conciliatory and hopeful to the last. The law of progress may sometimes be made to pass slowly through a cleansing progress, when combined right but held in abeyance, would have worked an active readjustment. Arbitrary conduct is compliant before the cohesive power which has its inspiration from the divine source, and back through the channels of this source a corresponding sentiment may be made to flow from a people who have purified their land of a politicocommercial corruption. The vendibles of the political boss to the contrary, the time has come when an honest ballot may be voted intelligently, although bribery and ignorance long deferred the day, and although the bitterness has settled in the belief of many that the present economic conditions are unalterably fixed upon them. This sentiment flourishes as well in the breast of the adopted citizen as it does with the native born; and the alien sojourner with the native alien to our institutions, who more than any other produce these abuses

for the one object of accumulating wealth, may expect to be confronted by a coalesced sentiment that knows humanity rather than nationality in its demands. Nations that proudly take position in the foremost rank of civilized autonomies are only in the first stages of realizing it is not all of politics to administer government in the interest of party or privileged classes. As yet, we are told, none of them have reached the plane where government may be administered in accordance with the science of social life; nor will they reach that level until the irrepressible but slow processes of humanity shall become more resolute in the construction and interpretation of political constitutions.

The duty that men owe to each other is fundamental; but the tendency to live by one's wits, or the more culpable plan to accumulate all of a sudden on the industry of others is, strange to say, the controlling power in the administration of governments, as always it has been the hard obstacle to overcome by the science of sciences, which for centuries was degraded to an art in the school of avarice. Were this duty observed in everyday practice, the history even of modern states would not be so blackened with pages that recite the deeds which grow out of its non-observance. But, without the infraction of the righteous law, or the demands of what it teaches, it is inferred we would be deprived of men who on account of wealth and station "are naturally invested with power, and in duty bound must exercise it for the benefit of the community at large, and especially of its less favored members." Such is the theory, but the world has learned the fact, not what may be expected, when this power, which after all is the power of wealth, is founded on the very conditions that make so many members of the community less favored. Experience is a better teacher of what may be expected of promise founded on an unnatural condition of things; history is more reliable than the sophistry of a political economy which leaves humanity out of the question in its treatment of man in relation to his material existence.

And when it is realized what the writers of the last

half of the present century advance as the true theory of political economy, that society must be treated as a whole in fact, without privilege or prejudice in respect to any of its members, there will then be a higher meaning attached to the title of citizenship. The arguments of casuistry, with the juridical burrowing between the upper and lower crusts in search of principle for supporting the distinction that wealth is privileged, will

be repudiated forever.

The intromission of the economic plan we have to-day had its origin in the federal party, which drew its inspiration from the mercantile system in the scheme of promoting special interests at the expense of social industry. Though in name the party died early, its monument in the succession of its more noxious form reminds us there is a variety of devices handed down by history from which the crafty politician may select his best chance. It was at the zenith of the mercantilist practice of political economy when the spy system rose to exert its pernicious influence in watching over the conduct of both private and public life; and the thoughtful man must reflect that, however modified the old forms may be now, though always the modification must present a greater aggressiveness, to which any device must tend whose purpose is to subject one part of the community to the use of another, especially when assumed by private organization, but the using of such device in the conduct of private affairs is the most palpable proof that something is wrong with the circumstances of that endeavor which requires such aid, if aid it is admitted to be. What then? Is the subject part of the community retrograding in morals, or what does the spy system import? Against what condition in our society does this indictment lie, the church or the state? We know, however, that spying has got to be a grand money-making enterprise. This observation, of course, has no reference to those who do criminal acts, it being the special duty of the law to hunt down and punish through its agents chosen by the people, but is applicable to the private instruments, which make no distinction in spying on all alike, more particularly on those who are engaged in commercial pursuits, whether they be criminals or those whose reputation is unimpeached by

honest testimony.

They are the laissez faire economists who, having a good enough thing for their own selfish desire, would advise against a change from the existing order as a very dangerous experiment. With them reform is a perpetual nightmare; they expostulate with its advocates only on the recognition that they are bearing with cranks or lunatics, or some kind of actual or theoretical destroyers of stability as they would have it. For should the pains be taken to inquire a little it does not take long to conclude that selfishness is very much involved in the stigmas which are heaped on the bothersome and

disturbing advocates of change.

Without any sustaining theory of sociology we find the dogma of the mercantilists is, money is the embodiment as it is the autocrat of wealth, its possession the first importance in everything pertaining to human life; the preference for those industries that manufacture the raw material over those that provide them, as thus both labor and capital can best be controlled more profitably; condensing the population so labor may be forced into a greater competition against itself; when, under the system, wealth would ultimately be everything, men absolutely nothing. The early situation in this country, superinduced by the state of its finances, made the opportunity peculiarly auspicious for the mercantilist plan. Avarice was pregnant with the European system, when the watchwords of necessity and patriotism were passed down the line, as they are now, to befool the people into a state of acquiescence, if not of active partisanship. When once in control of the machinery of government, thenceforward they could have their own way. In the place of colonies, which under the tutelary system were prohibited from trading with other than the mother country, our mercantilists saw their advantage in the undeveloped states and the unexplored richness of the great west as home demesnes which could be forced into a dependence on their manufactures. It required no special eye to business to see

the possibilities of a country, made rich by nature in all the needs of a great and ambitious population, under this scheme of government, although planted as a matter of form in the democracy of the people, and when the European masses were groping in gloom for some haven of humanity. The purest of the fathers struggled against the adoption of such an economic plan. for they had example in plenty of the baneful effects of that system, where privilege and flattery, intrigue and bribery were the order of success; and the downtrodden masses who, forced to maintain such a condition of government, were driven to desperation as they were deprived of all hope but in that of revolution or self-expatriation. They had that regard for posterity which is an essential of humanity; but the very portrayal of the results which would be inflicted on this country must have excited the anticipation of those who saw in it the rise of class distinction founded on the privilege of wealth, in which the country abounded, only to be realized by controlling the hand of labor.

The invitation was sent abroad that an asylum had been opened for the oppressed everywhere, the country in time peopling with labor as no land was ever peopled before. After language had run the gamut of all the passions, the tragic cry of protection to infant industries dissolved into a farce. Labor had now to be appeased, the pretext of a party had to be maintained, when the sophistry is advanced that home labor, which was and is in free competition with the world, should be ennobled above the pauper labor of other countries by protecting not it but by the further protection of the home manufacturer or employer against the foreign competitor, while every inducement was held out for attracting hither, free to enter, this very pauper competition in

labor.

These arts in the hypocrisy of the money-making patriots now fully exposed, we next hear of them in their true character, corrupting legislation and invoking the elasticity of principle in the courts of justice. It was an evil day when many of the states by tard action caused the general government to assum

debts incurred on account of the Revolutionary War, giving ground for the mercantilists to advance on to proclaim the national necessity of a tariff for revenue for paying off the obligation. From this on, bringing into use as it grew in power the concomitant evils we behold, the plan of concentrating labor and securing the aid of government in protecting its exploitation has been a stealthy transition from stage to stage, until now the assurance is advanced to the point of command, paying for compliance if need be, that a prohibitory stand should be taken against the possible impairment of the profits of private interests. Of course labor, which never had any protection apart from the flimsy sop called the foreign contract law, has had to look out for itself, as it is expressly told to do at times when the less favored members of the community might expect some benefit from those who are in positions of wealth and station. The old system, while as grinding on labor as its modern type, and although under the latter a little more independence may be asserted because of better organization—but under the older the effrontery was never bold enough to demand a protection with the pretense of ennobling labor when one of its main objects was to pit labor against all comers. But there was no necessity with mercantilism carried to its ultimate of government regulation of everything in the interest of the privileged few. Necessity and patriotism with a vengeance; a tax levied on the people pouring into one pocket, profit on the labor of competing wageworkers pouring into the other; capital controlling distribution and the price of productions,

In spite of the lessons the world had learnt from this species of privilege, culminating in the disgrace of nations and social irruptions, the economic monster which it was hoped had perished in the throes of impoverished France had been galvanized here into a new life, when now our social condition is beginning to find its parallel in the inhuman situation which produced the violent changes in that country. Then, the lower classes wailed against the tyranny of a corrupt political economy; among us the main producers of wealth and the

great body of consumers realize the corrupting underhand of a capitalistic oligarchy, which is the true product of the mercantilist system in a republican form

of government.

Statesmen, who have a turn for self-interest, find out early that to serve themselves best they must be prudent in choosing masters, yet, is there not a splendor belonging to true statesmanship that entitles it to a place along with the achievements of which a grateful country may be proud? But in subservience to the masters they select, it is too often the case statesmen are answerable for more than they are willing to own; the suffering they produce lives after them, and the agony may be heard in louder moans from beneath the hard granite of favoritism which they pile on the cardinal principle of equal rights before the law. The observation of a profound analyst of the various systems of political economy cannot be repeated too often, that mercantilism is the best instrument for serving political ambition, as, it might be added, it is the best system for forming alliances with the power of wealth. But it is not the intention to raise a discussion of the merits or demerits of tariff systems, although in many respects it is a subject that coordinates with and is expository of the subject in hand.

There is the same struggle going on everywhere to reform social constitutions; the views never so pronounced or the contest so generally determined when intelligence and humanity have found themselves in sympathy against privilege and capitalistic greed. The situation is almost precise in free trade England and protection America, only in the latter country it is seen that when government is dominated by avarice, with its consequent political combinations, without a preceding ascendency by a few, the strides in the direction of oppression are that much more rapid. The new rich are the hardest masters. In this respect the situation in the two countries is different; for, while England has passed through its epoch of feudal slavery, and the present situation of the producer is in the course of amelioration, we find in America, which has no history of feudalism, the industrial situation, originally the justest, has reached the point where it begins to surpass England in harshness, with no attempt at amelioration, further than some policy for the time being, from the power that controls. In analyzing the difference between the two countries the chief contrast will be found in that moral duty owed to man in the intercourse of everyday life. With the system of tariff, however, that has our experience, this duty is much more difficult to inculcate among its beneficiaries, since of itself its operation inheres in a one-sided view of life, thus emulating an insensibility to those higher duties which spiritualize the

economic of society.

It no longer avails to scoff at a sensitive, country-loving citizen as a communist or leveler because he has the temerity to oppose "the communism of pelf" so that he may maintain his own footing, although he is fully conscious that as yet the proper means has hardly been set agoing for his extrication, and in his groping he does some very foolish things. He is still a believer in the power of an awakened humanity, with its leavening unction of sympathizing regard. How pusillanimous to tell him if he is not satisfied with the protected article to boycott it when it is the only one by reason of protection, it may be—one of necessity! But the climax is reached when men are told if the reduced wage schedule is not satisfactory, as freemen they are at liberty to seek better wages elsewhere.

Whither may they go—the thousands who are given this comforting assurance? The powers that be in control of the industrial avenues, they are advised to go with the brand of malcontent upon them, moneyless, literally into the wide, wide world. With their fitness developed only in one department of labor, the alternative is to begin life anew, which no doubt they would rather accept could they but find a starting place. Such has been known to be the counsel of the mouthpieces of avarice, who are selected on account of their hard-

ness in speaking the master's will.

Under the influence of the mercantilist plan the orthodox philosopher created the "Economic Man," whose object in life is to acquire wealth without exertion. Of this abstract personality a contemporaneous writer on social subjects said, wealth then is everything, men absolutely nothing; and so far as it was concerned with the labor which produced the wealth, that would be treated like the cart-horse, remunerated with a sufficient keep to enable it to appear for work on the morrow. Hence the theorem: Profits depend on wages, rising as wages fall, falling as wages rise. And this personification of selfishness, the economic man, who in social physics "is without veneration, attachment, and benevolence-devoid of every altruistic instinct," or, in other words, "a purely egoistic force, working uniformly in the direction of private gain, without regard to the good of others or of the community at large," performs no work but to watch the wage scale and keep it

But pass on to the home-made model. Our history is too recent to make necessary a sociological deduction from the hypothesis of an assumed state of things; our forefathers were neither all savages nor ticket-o'-leave men. In fact we know that many of them were wise and honorable; the adoption of the system which produced the economic man their last thought in collecting the material for a new creation in government.

But, alas!

That section where mercantilism first took root, and has continued to spread the propaganda while reaping the advantage to its special interests—we are often reminded its foundation is laid in human rights, freedom of conscience, a moral rectitude which is looked upon by others as asceticism, and in religious philanthropy. But when we read of the religious persecutions, the punishment meted out to those who carried on honest callings but unconformable to the prescribed rules of intolerance, the very superstitious treatment of crones when caught at their manifestations, while among the first manufactures put forth for government regard was that uncivilized potable, the distilled refuse of the Cuban molasses houses—the devil's own currency—with which Africans were bought to be sold into slavery,

it must be confessed there is an admixture, worldly to a large degree, in this array of noble professions and in those acts which make one solid in this life. And probably proud of the retribution, the posterity of the old stock, more than in any other part of the geographical division of the original thirteen states, is finding life more congenial in other climes, while in no part of the country is there such a distinction between the haughti-

ness of wealth and the servility of the poor.

Not there alone. Around the home circle, in school readers, at public assemblies, and where two or three happen to meet, the love of money is made the theme of hope or despair, sublime example made of those who are multi-millionaires, its acquisition in any sort of way commendable so the bulk is large enough to make transcendental the possessor. And out of all this stimulus why should not an uncommon man be produced from another "economic" school? Better, because he has made of himself an actual verity. Though empirical in borrowing every one-sided practice which the controlling power finds available at the expense of the whole society, the robust commonwealth of states must nevertheless be unique in having evolved for them a home standard of economic effect.

The "Self-made Man" is the marvelous product. Not a reproduction by the law of organic growth, he is rather a fission that detaches itself from the true process of social development. On reaching the finished state he becomes the ideal home invention, a curiosity to mawkish admirers, as he attracts others who would imitate his example. If he takes delight in sneering at the sensations which are functional of society at large, his regard is philistinic of individual types of manhood, and only to such extent as they afford him assistance in the aims of his preternatural bent. enemy of everything that stands in his course, the only feeling to relieve his hard drive is the felicitation of self-love and self-indulgence. And yet, after all, on approaching the summit of his golden height, he may be heard asserting his human affinity, uniting with

which his pride of possessions, that he may shine with the additional luster of having an ancestry. This fusion of contempt for men and things, past or present, not in accord with his practical turn, now a matter of serviceable admiration in a new field of ambition, and with what he is by the accident of nature and economic violence, the eponym becomes a lordly mongrel, the pride of those spurious conditions under which he imposed himself on society at his outset in life. Nothing transpires to make him forgetful of self; he never betrays his origin, if he would; the purchasing power of money is always trumps. Compunction may not arrest his progress; disguise shall not eclipse his name in that firmament where he has chosen to set it; in possession of the prime desideratum of his importance, his own authorship he would not disavow. Having devised an honorable heredity, he passes into his final transition and is received with splendid pomp, to which, in all likelihood, he is the chief contributor for giving the occasion notoriety. It is as much as an ordinary life is worth to please the egoism of this personality; artists are employed to picture him forth in divine form in doing acts of kindness; satellites hover around to sing his praise: his apotheosis is in the costliness of his paradise built beside the boulevard of some famous necrop-

Dwelling always in the narrow sphere of self, but when his desires and the power of his action is felt the perception that pervades the human society, which precedes and survives him, will go out in transports of joy to this creation for reminding it he is his own creator—the author of an origin out of which he has manufactured himself so perseveringly, and that he is not God-made. Otherwise, we should doubt the efficacy of that spiritual essence vouch-safed to natural man as proceeding from his Creator, but who is reminded, however, that he is his own agent for mitigating the evils which overtake and oppress him. And yet, how severe the punishment! What convulsions are brought on by the contest! How rapidly these self-made monstrosities multiply to beat back *

humanizing forces, with methods and example, hard, cold, homicidal, fastening on the country the economic that the masses are to be exploited by the classes, that possessions are everything, human beings of no impor-

tance except what can be got out of them!

Necessarily, this condition of things must produce a state of resistance. Labor and capital are relative, reciprocal they should be, both impaired when one plays the game of advantage against the other. It is well known which one plays the subtlest hand, although this one is not a possibility without the presence of the other. Were the duty observed, which is implied in all the transactions of a civilized people, we should not be witness to the constant frictions and charges of injustice laid to capital when the uppermost hand is gained of that on which it has to rely; and, to make the evidence of the charge more convincing, we see a deliberate movement among the consumers, who say truly they are treated no less unjustly. It cannot be denied that injustice is reaching the limit of endurance when labor and consumption rise up to complain, each in its own cause but in sympathy with each other, against the practices perpetrated on them by an oligarchy of wealth, encouraged by law.

And to renounce every moral restraint and every responsibility, the tendency of this overshadowing power is to assume the corporate form, without a soul to be sure, combining against competition in prices, masking under the deceptive name of trusts that pretend to reduce cost to the consumer. Thus to control labor and production, contracting the opportunity of the former, which makes the reduction of cost to the consumer the irony of cupidity, it should not be surprising that opposition is developing, founded in justice, although as vet in a heterogeneous state, but which is waiting eagerly for the combined action of intelligent thought. As the one grows in effrontery, characterized so aptly by President Cleveland as the communism of pelf, it cannot remain long before the other side must realize that it is the law of self-preservation which calls to action.

No attempt will be made to treat of the various off-

shoots which have sprung from this hegemony of wealth, the communism of pelf being the superior head and support of the lower orders, while these latter claim to be hierarchs in their particular fields of exploitation. The object is to give some insight of the inquisitorial offshoot; the organized systems that spy and pry into the private life and affairs of men; demoralizing commerce; burdening the country with an infamous tax; exploiting labor, such as engage with them in it; playing on the weakness or credulity of the public. The history has not yet been written of the American Inquisition.

CHAPTER II.

A pay hardly passes that some wrong is not heard of which may be traced to the debasement of commerce. In the mad rush for riches the basest methods are not neglected, while the ingenuity that hastens the end is an envied shrewdness of "business foresight," at all times worthy of studied emulation. In general, those who are led on by this ambition of rounding out what is called a successful business life have no disquietude when transient retrospect steals upon a self-gratulation over the triumph of that position which has been won along with the few, who by degrees are absorbing the wealth of the country as they control the springs of industrial action. The very word"business," the noble and life-preserving occupation, has been so degraded that trickery has become its synonym; and the employer, at one time the best example for inspiring youth, is losing his identity in the presiding plutocrat who has thrust himself to the front through abuses and crimes against that equal opportunity which has become so unequal, when now it is a warfare of waging the power of money against every human attribute or effort.

Over the road traversed by this triumphant example of great possessions, he may remember that at his start he was considered of aptness and pliability, and chiefly with these traits for sustaining his burning desire, there were opportunities opened to him by others who were in need of just such a man. And as he trod the lower plains before reaching his height, if now he requires workers to support him in his place, in pursuance of his idea of capacity and worth, they must demonstrate those qualities which were his own recommendation. If he is in a reflective mood, and cares to review the victories of his predatory life, there are many sign-posts to direct him back to his first achievement. A

wrong committed here against his fellow may excite a glow of satisfied success, a fraud perpetrated there calls forth a chuckle over his good judgment; and since in no case has the law handled him as he deserved, the common notion of private rights is not a disturbing element in his hardened nature. Each one of his acts at money-getting may be condoned, as from his point of view any act in that direction is fair play, and the helpless or unsuspecting must abide the prowess of his superior business skill. Ruin and desolation may mark his way, even he may have been an instrument of torture and death, but he is not in search of regrets for having made of himself "a successful business man."

So why should his complacency be disquieted? Although his methods have not been direct, the results are in hand; he has been too adroit to allow the retribution of others to hunt him down; he employs and practices a shrewdness akin to an acumen that hedges him about for his benefit in the mists and technicalities of the law. Although thus flimsily protected, it answers his purpose, as he feels secure in person, and what he has accumulated, from a provoked wrath which he scorns from behind the safeguard invented for himthe law of the land. At all times, however, he is ready to excuse himself on the score of the spirit of the times. which makes riches paramount, and so he would justify its accumulation by any means short of the prison door. While it is true he is a product of the times, he is not so ready to admit that while likely his methods are more refined in boldness, it is the same spirit that rules him which corrupts men, as organized society has demanded its repression at various times. And eventually and swifter, as the world grows older, the methods and accomplishments of this class of men arouse another spirit which is also in keeping with the times: a broader and more humane intelligence that sometimes seems dormant, but is ready, nevertheless, to put aside its lenity in behalf of the demands of society; a more appreciating conservation of order and justice, commanding that no enemy of the public good shall be exempt from the penalty of his wrongs; an independent and

more general intelligence that would expose and make detestable the knavery, frauds and impositions that are practiced in the name of legitimate employment.

It may be asserted as historically true that no nation has survived for even a century without the surprise of some secret force vitally at work in its organism, which, if not eradicated, would in the end destroy it. Whether originating in treason or in the slower subversion that proceeds from the selfishness and rapacity of its citizens, if unchecked, which the end, would be a matter of indifference to those who are made the victims. It requires no sleuth from the secret service to discover if the time has not come in our history to record surprises of this kind; nay, if in an underhand way the law itself is not in the promoting and protecting business of

special interests that prey on society.

It may be trite to say so, but for all that it is true, when disease overtakes the natural body the cure should be sought; so there can be no doubt the time is up for an active remedy for our social malady, for the hurt and misery proceed from a vital cause. Treason is the highest culpability of which the citizen is conceived to be capable-acts against the government to which he owes allegiance; homicide is the most atrocious crime that may be laid to man in his personal and spiritual responsibility. Without attempting any sequence from these propositions further than what the plainest understanding may at once perceive, it follows that as each citizen is a constituent of his government, any act that tends to his overthrow would be treason; and the forestalling or defeating him in the means of his livelihood must certainly be an overt act against his life. But there are kinds of logic not so pleasing, although artifice had to be resorted to in deducing the economic man.

But the terms are used analogically, to make clear what so many feel the times portend; and viewed in whatever light it may be chosen, it is well known that more and more rapacity is playing sad havoc all along the line of human endeavor, and the cry of the victims has no softening effect on its fierceness. While beyond this, there is an aspect graver and far more humiliating to a free people. It is the manhood which loses its aspiration in the breast of dependants and slaves. If the vice of avarice, whose chief wrongs are committed in the name of business, go unhindered, every citizen may stop to think, and select from his own experience what he has felt himself, or observed in the experience of others. He will learn that under the general scheme, injury done in the race for wealth is less an accident than it is part and parcel, or an outgrowth, of government administration, as it is a very common saying with him, it is as hard to force one of the mighty princes of wealth through the portals of justice, let outraged truth marshal her proof as she may, as it is for the proverbial camel to pass through

the eve of a needle.

As one character of man is absorbed in greed to accumulate, one character of politician has his goal to strive for, and neither is long in finding out the allpowerful aid to his ambition. The first is no stickler over the ways and means to the earliest results; and here the law of attraction may not be doubted, since in mutual interchange and the plenary misdoing of the corrupt politician, immunity may be bought, when privilege in time becomes a right inviolable. What is the meaning of so much special legislation, the combinations for gain, individual responsibility hid away in corporate limitation, bewildering interpretations of the law which generally decide the right way, and the voice of criticism and complaint raised on every hand? A land of societies, apart from partisan clubs, there is no society, discarding all plans of personal aggrandizement, that gives thought to equal government for the whole people.* You say this belongs to the legis-

*Since the above writing the new organization, "The Patriots of America," given direction by some of our foremost thinkers, by their constitution, is a remarkable exception. Non-partisan, except in the interest of the general good, non-sectarian, its watchwords, "Humanity" and "Man serves his own interest best when he promotes the common good," are but the responses of organized interestions of the times—organized selfishness and the at government.

latures and the courts. Yes, but these are made, and who look the carefulest to their making? Does this mean the classes shall be the only beneficiaries from these sources, who do the controlling if not the making, as they grow bolder and more oppressive in reminding us that government is but a tax on the masses in the interest of class, the bane of civic law which the constitutional fathers understood so well they hoped to avert it by provision in the act of organization?

Special benefits granted to a special class, paternalism of a partial father, traduce government, array one part of the family against the other, are truisms an order of statesmanship love to declaim, but in practice is found intrepid only in dissembling. The aristocracy by legislation and its representatives may know this as well, but do they not strive always for that state in which wealth is the badge of privilege, while the masses who maintain the state, in neglect of that duty which they owe themselves by exercising the right of franchise, are the first to receive the shock, as such eco-

nomic violence is perilous to all?

Stolid indifference to personal and social rights until too late is the parent of poverty and slavery; it were high time for the Ship of the Union to get back to its true mooring, the fair-way being through a determined franchise. One hundred years' time has wrought much change in this new nation. The heart that pulsates in sympathy with the people over the prevailing tendency to depredate on them must feel that, unless relief is had, it too must go down in horrid shame under the concentrating weight of capitalistic wrongs, which have begun to extrude the sentiment of love of country, probably to be rekindled into a distrustful hate, which his more favored countrymen by law, overbearing by reason of the conditions they artfully produce, would be pleased to call disloyalty.

Once for all, it may be mentioned, there is a vast difference between social equality and social equity, the former term so persistently used for sneering away the just demands of the latter. The scientific man and the menial worker make no demand for social equality in its narrow sense. Both would probably feel out of place amid the display and talk of the "howling swells," and certainly every man has his degree of self-respect in repaying courtesies. But in being compelled to contribute to the ostentatious effects of selfishness, they enter a solemn protest. With the masses of this nation, no people look less to government in furthering their personal desires; at the same time no people expect more of their government in dealing with its citizens impartially. Laws for all alike are asked for, to be executed by a just administration, and special privilege or protection conferred upon none by legislative or judicial profligacy. Such independence and expectation was believed to fulfill the promise of a mighty nation, testifying to the worthiness of the fathers who hoped for posterity a continuance of the heritage which they left under such manifold auspices for good, although the spirit of special interest was abroad already in material form.

But would the architects know the structure now? The masquerading of their lofty names and sentiments for treacherous effect is no small part of the cause which produces the popular unrest; while the shifting and opposing court decisions raise the inquiry as to who the parties litigant are, or what the position is they occupy in respect to the favored ones. This growing prospect is enough certainly to cause men to despair. until overcome by apathy, or if of an unbalanced nature, a dim succor is imagined in some dimmer reconstruction that teaches the reform of desperation is in the immediate demolition of the existing order of things. Yet, under what name they proclaim or view their imagery, these apathetic and fanatical people have no conception of the injurious example they set; and whatever his temperament, the man who believes that society is yet strong enough in morals for its own regeneration, the theories of destruction and passive obedience he lends not his sympathy to, but rather he returns to the fact that his is an equal manhood with a way in this government yet awhile provided for making of himself an equal citizen. No doubt, as it is *

the noblest qualities in man are often humiliated by the machinations which control the system under which he lives, there is excuse plenty for rage. But calm reflection pays best in the end. By neglecting the wrongs done to the institutions under which he lives perhaps in ignorance, or he has been deceived in them many despotic things are upon us that could have been averted, and yet may be obliterated by peaceful means, unless the vicious trend precipitates a crisis which

would require heroic treatment.

In the present situation the apathetic man, and usually he is a native, performs the cowardly part, while the anarchistic make many doubtful of any movement on the stage of government reform. The forum of economic conscience is in the people; they are the court of last resort, and the cause is their own. And to the native who is cowed into apathy, and to him who would set up a government which has been evolved from the chimera of his imagination, it is advised we have yet a promise of government that suits all conditions of human liberty, if albeit the forces are at work

to prostitute it to the lust of gain.

Its virginal plight can be rescued from the mongerers, but the effort means a struggle that shall put to the test every trait in the human character. A bitter contest will be projected by the money power against the great majority, and why should not the latter gain the victory? There's the rub. Is it true, the deeper one sinks in poverty or the higher he ascends in riches, the lower he goes in morals? If so, the sooner plutocracy reduce the majority to a condition of want, that much sooner may the purchasing power of money be made the equation for deciding which side shall have the numerical strength in the conflict of ballots. It is conceived, however, a great majority of the people are ambitious to be above the influences to which poverty may be susceptible; they would better their condition under a freer opportunity for manly exertion; and that they would avert the day when any of their number is so reduced as to be placed in the power of a temptation ich would lead to self-abasement. In truth, the preservation of the whole body is in sustaining each one's integrity, for in numbers only lies its strength; and too, early action is the part of wisdom, lest there should be a falling apart at the instance of the wily adversary.

Thus, the movement would be less affected by the opponents to restitution, and rather its own leaders be put forward, whose committal should be required that they would contend before all others for the stipulated objects of reform. Laws enacted more in harmony with the Golden Rule, perfectly plain without provision or limitation in the interest of any class, and administered without fear or favor, are the salient demands entertained by honorable men irrespective of party affiliation. Turmoil and discontent are known to be increasing, in some localities to an alarming extent; still there be good, easy minds that are troubled to be correctly informed of the causes, but rather contented are they with the objurgation that some men are born incorrigible agitators. In tranquil thought an agitator with them is not far short of a murderous Ishmael, not having the vigor to recall that agitation gave them the country they live in, and the Christianity which spreads over it the influences which make the possibility of him and his own greater.

As between the powers of light and darkness, so the strife has ever waged between honesty and dishonesty. and shall the power of wrong-doing be made to prevail? Although the passive citizen at times may have his faculties quickened by some near-by cry of injustice, he as quickly relapses, and it is this very immobility which reassures the plunderer, who boots him out of the way in sheer contempt of his sluggishness. true notion of political agitation is for social reformation, and as right is forever climbing to a purer atmosphere to rid itself of the wrongs which strive more insidiously for the ascendency, the agitator or reformer is the main support in sustaining it on high. stealth and bated breath dishonesty prefers to do its work; and the most ingenious plunderer yet, the one who pretends that the exigency of legitimate business requires the art of his stealth, is not the least responsible agency for bringing about the environment of the times. And the leeches on commerce, forever discrediting its object, should be made to answer for the part they play in the social depravity, aiding as they gradually coalesce by mutual attraction with those agencies which vitiate and weaken this mainspring of vital society. Gaining a foothold, why should not these creatures develop into the worst forms of abuse, generating a canker of the most mischievous disorder, as more to their conduct than to any other cause, that strange feeling of an underhand is at work, may be ascribed?

Were less attention paid to humbuggery, if individual intelligence were exercised more, did plausibility not find such easy prey, human destiny would not be such a hard problem to solve after all. Every imposture has its patent, but it is time for reason to file its protest against them all; the evils that men endure proceed chiefly from the vice of their own indolence. While man is wrapped in amazement, he has found out a force has sapped the ground he stands on; the motive is realized; the moneyed oligarch is building a structure, sparing life only that it may be a contributor to his opulence. He is now dazed at what he has done, and he appeals to his countrymen to redeem him or they and their children shall become the victims of an apathy like his own.

But after all, man is something more than a child; he is almost a commodity. Easily led astray by false teachers; a bauble may induce him to acts of self-destruction. Societies are in vogue whose enthusiasm is chaotic, and carried to their avowed ends, they only disintegrate into factions instead of renovating the cause of existing evils. It may be conjectured how many of these are prompted by the money influence, or how far the office-seeker sees in them a usefulness to himself. No little is taken each year from the substance of the people in thwarting the designs of these headlong bands, or in meting out punishment to their more foolhardy members. This large sum, together with the great outlay in defraying the expense of prosecutions

and penal confinement, would more than maintain amply every charity-deserving person in the communities where these societies in various ways exemplify their strange zeal. There are causes of indigency which cannot be helped, but apart from these and the circumstance of a misused franchise, there is no reason why any but vagabondism should have the hardihood to ask alms in this country. Yet, and notwithstanding, the cause is not hard to trace out; for in fact we have thousands of able-bodied men and women whose civic virtue is unquestioned, eager for employment, who with shamed faces and trembling hands beg for pittances. Some industrial work has closed down, while likely the proprietor is in foreign lands enjoying himself, or it may be the result of a demand that labor be as well treated as the cart-horse. After wages have been reduced to the limit to entitle it to such a name, and profit still unsatisfactory, it may be more profitable to shut up shop, when labor may look to the cold charity of the world. Or timid capital, complaining of the times likely produced by it, slinks away in the keeping of the few, whose grip is equaled only by a pressing desire for more, and awaits the oncoming opportunity for greater profit.

As a piece of casuistry it is not strange to say that capital is the motor of prosperity among the people, yet so timid is it some other energy must be put forward to explore the fields of profit while it remains in the background. Rather it should be said, it remains in the rear watching to strike the advantage. In this sense, money is meant in the hands of the capitalistic schemer, magnanimous to himself, a chisel in his dealing with others. So timid is capital indeed, if he fails to make a satisfactory turn at profit, how painfully he has erred in his shrewdness!

But the selfish brother is never out of stock with the blandest of reasons; the periods of suffering and want are the unavoidable episodes in his economic of getting rich. They are the accidents of industry; the distress he does not feel makes his voice quaver in notes of seeming pity; he would welcome the time when avarice

would be prevented from amassing fortunes in a day, and modestly refers to his own small success after much struggling and deprivation. But let a broad humanity appeal to a better nature, which seems to have shown out, when his true character is no longer concealed in the answer, that one may do as he pleases with one's own. This is quite true so far as it is suited to himself, as it is characteristic of others who have used more pointed language in contempt of common notions with respect to the public. Whether these are specimens of that atavism which ethnologists speak of, with no conception of the public as a developed society, or as expressed by that advocate of special privilege who declared before the Supreme Court of the United States he had no relations with political economy, as it appeared to his adversary at bar in applying it to the public interest, and hoped to have none. But the brother spoke falsely to his own memory, since the accretion of riches he represented in part is a result of that depredation on the public whose political economy is in prostituting the century's civilization to selfishness.

Mankind and his means of development go hand in hand, and when the two aspirations meet, the one opposing the evolving train, a clash is unavoidable, the nobler often getting the worst of it. Generally wrong has its reckoning, although the day may be long deferred. Man, the proudest and most intelligent of creation, commerce his beneficent handmaid, to what end will the short-lived creature go in his selfishness to commit crimes against truth and fair-play? Is it a coincidence, or is it righteousness sounding her voice of reassurance, when we hear of a plutocrat in one place held up for execration, while in another a gang of political bosses have been stampeded? The first we are told not so long ago emerged from penal servitude to resume his capability at depredation, while of the bosses, the ringleader is paying the penalty of his crimes behind prison bars. Both prominent in their respective spheres, one at money-making, the other in manipulating elections; both ostentatious church-goers; both venal in planning their schemes; both personalizing the intrigue of greedy

ambition.

No doubt it was the spirit of this species of depravity that influenced the action of a federal judge, which so outraged the popular sense that a congressional inquiry was raised whereby his order, against the concerted action of employés who had taken steps in vindication of their rights as freemen, was set at naught as a ruling precedent in judicial tyranny; and coordinating in another direction where "business" is looked after, it is the same depravity which looms up in congressional scandals in which grave but thrifty members are charged with speculating in stocks and bonds whose quotations were affected by committee reports and discussions. And how often is the public nauseated by the exposures brought to its notice of the conduct in the management of corporate interests; how small holders of these investments are told that dividends or interest must be passed. or as frequently they are paid out of a fictitious fund to give them a boost, while the officials who draw consuming salaries, and the great holders, "figure up the cause" for their delectation! If a million-dollar capitalization can be made to show a profit of fifty per cent, why should it not be business to water it up to ten millions at a five per cent promise, which is good return for a sleeping investment; and, following the law of diminishing returns to over-capitalization, who is surprised less when watered securities do not yield the expected income than these manipulators who generally secure for themselves fat salaries? The promise cannot be fulfilled by taking altogether from labor, as the production would be impaired. Every one wants the best for his money. The nine millions safely in hand, which perhaps has gone into other big per cent enterprises, or used in part just as likely for wrecking and recapture of the present one, and should any objection be raised to the mode of getting rich quickly on capitalized "water and wind," the reply is, no disturbance ought to be kicked up over it, as the securities are held so largely by widows, orphans and old ladies whose all is involved. This may be characterized as the chivalry of plutocracy, and is in keeping with the mortgage-lender who, to compalegislation, then in process for the protection of

terity, pleaded that he was operating on the savings of European widows, orphans and old ladies, whose all and innocence he was guarding, but which in truth were but figments of the mind of this gallant entrepreneur. It would seem it is time this kind of "sympathy racket" had run its course, and some provision made for the protection or vindication of these much misrapresented gentle instruments of the recapitalizing and law-breaking sharpers. The official who sets up "private snaps" to which he makes his company a customer, or in letting contracts"stand in"on the profits; the contractor of public works in full understanding with those who work him the job, scamping in workmanship and material at every turn, and "influence" against the suggestion that public improvements ought to be permanent, since a half-done job leaves open another snap, are all products of the same spirit to rob the public. But the most cunning, at the same time most harmful, are the money-making devices that artfully have thrust themselves between the private transactions of the people, making one side believe they are necessary agencies for promoting and protecting their interests, while the other side, without question or consent, is made the subjects of the secret work. Hence, it may be seen that the reform which first needs attention is commercial, and when this movement is set on foot rightly, a more hopeful state of affairs may be expected in every department of the social life.

In this age, the most glorious of all only because the world is older, fundamental principle cannot be neglected. It is the age no less of dishonesty, but the static of honesty to prevail must be vivified, as already the necessity is realized. These are the relations of government to society; but looking backward is reaction, for then we read only the obituaries of the great movement. Men and governments are not stationary, as the movement is not backward but forward, or they wither and die. Washington and Jefferson and Lincoln are glorious names in our history, but we can never return to their time; we are responsible for the present, as it is well and the mummery.

over the past by politicians is either a dissembling, or they have not the capacity for coping with the unmatched tendencies that face them for good or evil. When common, every-day justice takes the place of finesse we may expect some regenerator who sees the weak places and spends not his days in maneuvering, then a wider horizon will be opened which shall exclude

no one from the rays of a brighter hope.

The American Protective Association has some excuse at least, in the tentative object of political reform, for grievously are men affected who are thus stirred into an opposition against a variety of corruptions in the body politic. They are looking for some point of attack; and there are thousands of others in the same frame of mind. But happily, no religion can be distinguished as having the peculiar sanction of absorbing all the public offices and all the wealth of the country. The combined churches might be able to turn out a sufficient number for this absorption, as there are members of the churches conspicuous for their corruption in the whole round of how men may spend their lives, but they are not prompted by the religious spirit. And any church of large membership, the larger that much more conspicuous they are, as it is "business" with them to unite with the largest and most influential congregations, can produce men of unprincipled conduct who are fully able to cope with the most accomplished Jesuit intriguer. In promoting his end a man of such conduct would as soon employ one agency as another, but always that one which brings the earliest and most satisfactory results. If a particular sect get the lion's share of the offices, and a particular set absorbs the wealth, abetting each other with this understanding, it would seem rather an oligarchical plan was afoot in which the church is made the tool, instead of being aggrandized.

The inactive or insensible may discover this to be the grand scheme after it is too late; a conspiracy between capitalism and the political bosses in which no church has a part. If the patriotic A. P. A.'s are moved by a sense of political wrongs, it will not take them long to find the true starting point for reform, nor will the corrective have to be inculcated by denouncing a particular church. It is ridiculous for the threefourths Protestant population to say they are forced to organization against the Roman church as the only means to political reform, and in their zeal they should not be surprised if others no less zealous in the one object were to ask if, after all, they are not supporting men that have an eye single for office. The feeling rebels against any plan whose devices are intended to act on the people, yet in the interest or against any particular creed. That secrecy in action which counts out yet operating against a part of the people is repugnant to the idea of this government, whether of church or commerce. If the leaders of the Republican party give themselves over to mammon, the Democrats divided but striving too to secure what private gain there is in public office, it can be doubted if the God-fearing, liberty-loving Romanist would be among the last to put behind him all other relations when the hour came for purifying his government; he would join as he has led the proper movement for economic and political amelioration. There is no period without its Savonarolas. In truth, the Company of Jesuits was the disturbing element in the government of the Roman Church, much like the arrogant plutocracy in our own government, controlling its policy and grasping of commerce, and more than one pontiff bowed before its power. But those were days the papacy had not gained the mastery over them, and now to recall their former deeds as scarecrows for political effect is as tangible of what is needed to-day in political reform as is the mummery over the good times when Jackson was president. These are but incidents of society and government which have passed into oblivion, and no reaction can bring them back into being. Church upbuilding nowadays is evangelical; the rock of foundation is no less the religion of humanity. Every creed abhors tyranny and avarice; man's emancipation is a watchword that goes around the globe; no canon can restrain the action of the human heart; the patriot, in whatever liturgy he asks benison of his maker,

does not hesitate to act with the true reformer, whether the standard of the Reformation or the ensign of the Holy See symbolizes the humanity of his religion. In such concerted action a battle could be fought which would inspire the world; a bloodless battle, but there would be left on the field in a mass of corruption the detested remains of political and commercial abuses.

Whether in the commerce of office-getting or in the commerce of money-getting, the degeneracy of common honesty in these endeavors is pictured in varying colors, each in general attendant upon the other, indifferent to every other claim, cooperating with each other in mutual advancement. We hear the flaccid philosopher inquire, "Whither are we drifting?" when it is announced that a political boss has been the recipient of contributions from his wealthy promoters to be divided out to the best advantage just before election day. These closet speculators are informed that already we have drifted to the point where they and their generation may be engulfed in the swirl of a politico-commercial putrescence. This question has passed into a contemptuous byword; and it is understood that one of these weary moralists does not vote, as he might be jostled against by the vulgar crowd that mix around the polling booths.

Though some men can come near being totally depraved, there are others whose virtues may be mean and narrow, and it is a question if the omissions and example of some of the preaching theorists is not more hurtful to society than the most vicious equipment in mind and heart put into action. Better were it if the pen-doughty mourner would desist from his mouldy truisms and construct some plan of betterment put in motion, or let his action in the exercise of his right of franchise speak with more effect than his words. In modulated sentences he revamps what we all feel and know, with the apparent promise that a little further on the way will be shown, when the tired hearer once more relapses into disappointment. Less generalizing would suit better the practical turn of thought; fewer barren ideals in dithyrambic or idyllic sensuousness

From their nature there are subjects which cannot be treated by generalization—only in particular, and done fearlessly; the true philosopher would be a martyr in his cause if need be. It would seem the efficacious way in treating wrong successfully, is by the direct method and severally. Hint and allusion are but scathless barbs against the breastwork of inhumanity intrenched. Positive language, defined charges, the testimony of truth—the use of these would be more effective. The theorizer is seldom a practical reformer, who is seldom versed in lore. But in wisdom and energy and conviction the reformer, as such sure enough, is in possession of those qualities that produce no fear; he knows no deviation; he is a leader in a just cause. In periods of social darkness such men have come forward from

the most unexpected places.

But in the name of commerce, whether in the limited sense of trade, or in its broader meaning which includes all those exchanges of material prosperity, no one can have a full view of the diversity of frauds and crimes which are committed. Yet it is her mission to brood peace and plenty; her divisions of labor to make each community develop to the fullest in its special industry; her inventions and arts are of a broadening intelligence to make more elastic the springs of action; while her crowning triumph is the drawing together of man in closer confidence, whose sympathy, and love of fair dealing, shall go out to all alike with no restraint from selfish desire. Still what discords in the prelude of a rounded symphony that every one could applaud! They are chronicled in every age, and the harsh notes of the craving for political and money-supremacy do not die Did the most illustrious Englishman of his century speak for our own time when he said, "Existing society is a warfare between rich and poor; the rich devise every means by which they may in the first place secure to themselves what they have amassed by wrong, and then take to their own use and profit, at the lowest possible price, the work and labor of the poor, and so soon as the rich decide on adopting these devices in the ame of the public, then they become law." This protest has been made down through time, until now, never before in the world's history has the demand for redress been so united. The world is better informed. And all honor to commerce, the irrepressible diffuser of knowledge; more active than ever before, she is pushing ahead along the lines of her decree. She pours wealth in the laps of those whom she makes her almoners; from many of the really successful business men we see her beneficence flow. But men like Childs, the American type of philanthropy, are too few, while in statesmanship for the hour the country pleads for a leader.

Of that large moving class, the commercial travelers, it is no small compliment to their intelligence to say, they educate more in behalf of commerce than all the other agencies combined. And why not, since of necessity these thousands of intermediaries are in personal contact with the people, with an exacting intelligence and honesty upon them, which is carried about with them, en sample, so to speak? No one who has traveled himself could but observe the quick notice, the independence and bold expressions they manifest when denouncing some wrong that happened to fall in the way of their remarks. They are men who gain experience of the world by coming in contact with it. Their language may not savor at all times of the lyceum, but the student of human nature could learn much if he listens to the "off-duty" discussions of a bevy of these much traveled, observant people, who, it may be unconsciously to themselves, are spreading the gospel of commerce with the same alacrity as they spread their merchandise before an "opening" customer. But how are they opposed?

Of course there are commercial travelers who are ignorant or dishonest, but they are the exceptions and generally are tramps from one employment to another; and also there are tradesmen who employ just such men, but to last, they soon discover the public prefers

to deal with a different sort of people.

CHAPTER III.

No clearer exposition is needed of the necessity to civilization of commerce, the inhabitants of the earth multiplying, making necessarily the division of labor more complex, than in the following words of Richard T. Ely, man of action, author, and professor of political economy. Says he in his "Problems of To-day:"

One frequently finds disparaging views concerning the real utility of commerce. These are partly traditional, and are found from the earliest times to the present. The ancient Persians held commerce to be a school of lies. Cicero and the Roman philosophers despised commerce, Cicero going so far as to say a merchant could never make anything unless he lied in the most atrocious manner. St. Chrysostom believed it scarcely possible that a man could be at the same time a Christian and a merchant. There can, I think, scarcely be a doubt that the influence of these old views lingers on after commerce has changed materially its nature. Commerce originated in robbery, and in early ages it supplied chiefly articles of luxury. The Phænicians and Greeks were pirates before they were merchants, and piracy played an important role in the development of English commerce in the sixteenth century. Nomadic people first robbed caravans and only at a later period became guides and protectors of them, and thus assistants in the creation of a legitimate commerce. Piracy and robbery are no longer aids, but only enemies to commerce, which is as a rule now found on the side of law and order. An error of a different sort is still unduly current. It is that commerce is not productive. Benjamin Franklin said there are three ways for a nation to acquire wealth: "The first is by war. This is robbery. The second by commerce, which is, generally, cheating. The third is by agriculture, the only honest way." The late Horace Greeley used to lament in his Tribune the large number of merchants, and to hope that the time would come when ninety-nine men out of a hundred would become real producers. The truth is that the merhant is as truly a producer as the farmer. The farmer no new matter. No one can do that. He simply a position of things, puts things in fit places,

and thus adds to their utility. He drops the corn in the hill-changes its place-puts it in the right place. He changes the position of earth, putting it over the corn. The corn is acted upon by natural forces. Certain elements in the earth, air, water change their positions and form new combinations. The corn grows, and what was useless becomes useful. The farmer has changed the position of things and created utility or a quantity of value. That is all. No more than the merchant can he add one particle to the quantity of matter in the earth. Now, under the direction of the merchant, the position of things is changed. Goods are brought from a place where they are not needed and where they could have no value, to a place where they are needed. Thus the merchant creates precisely what the farmer creates: namely, a quantity of utility of value. We may call it "place value." Likewise the merchant keeps things from a time when not wanted to a time when wanted, and increases their utility. Thus he creates "time-value." And it should be remembered in this connection that commerce, with the aid of the improved means of communication and transportation, has become so effective in the creation of time-values and place-values that famines are now unknown in the civilized world. whereas, even as late as the last century, districts in France and England suffered the horrors of famine, while superfluity could be found within three hundred miles.

If we turn to the nomadic or early ages of social life to find that commerce had its origin in robbery, we shall find also that statescraft had its origin in militarism, the politics of conquest and slaughter, of plunder and slavery. Such having been the early dynamic of the social growth, it requires no studied analysis of the two forces to perceive which has been of the greater advantage to man, commerce which developed into a friendly intercourse between man and nations and "now found on the side of law and order," or politics, which to this day is the old struggle between men for personal power and station. And conforming to the old practices, in keeping with politics, can it be said of all who are engaged in commerce that they are pirates still, thieves and liars, requiring an espionage over them so they may not rob and devour those who fall in their way? But it may be inferred that plutocracy is the atavism of one, as the political spoilsman is prompted by the spirit of heredity from the other.

The politician Cicero amassed his fortune, but proved

a vacillating hero of rhetoric in the hour of his country's peril; and Doctor Franklin, who was a better philosopher in action than his quoted words make him appear in regard to commerce, gave years of his best ability to his country in successfully negotiating commercial treaties with foreign nations, Doctor Franklin was never believed to be a sophist or cheat. In his day we were a new-born nation, small in population, large in area. Agriculture precedes manufactures in social industry, the two reaching an equilibrium in the adult state. With a vast expanse of fertile soil, fairly prepared for settlement, he was in position to see the wealth of his nation in agriculture. The consummate period of national prosperity in the division of labor had not arrived; he had witnessed the spirit and working of mercantilism in France and England; he may have imbibed his low opinion of commerce from observation and the books. Cicero, by his word-painting, may have led him to make the remark. The young man advised by Doctor Greeley to go west, if he is to grow up with the country, must be not find placevalue for his surplus potatoes?

Having its dependence on commerce, under the pretense of promoting and protecting special interests, there have been constructed in this country underground trains, which make it the most remarkably ridden of any other by the spy system. This can hardly grow out of the fact that commerce is "now found on the side of law and order," or that, of those who are engaged in it they may be actuated by an honest purpose. But in connection with cupidity, the mercantile agencies no doubt found their origin in a suspicion of the old commercial characteristics, and seeing the adaptation of this distrust, turned it into a money-making account. And yet, the work is piracy in every sense of the word, which was declared long ago an enemy of commerce. This underground business was systematized over half a century ago, increasing in number as the existing ones were seen to make money, and as it grows in age and wealth the anomalous work becomes more amazing, as

it becomes more insolent and oppressive.

There are probably two score or more of these systems, the two larger ones, at least, extending to foreign countries; but every blackmailing or blacklisting work of this kind which makes its money by threats, express or implied, need not be mentioned by name. It suffices to refer to their methods, and to say they are but modifications of those mercantile agencies. which are larger in their scope and hence better known to the public. In general, the smaller ones call themselves "special," thus claiming to give better service. but whether they sell "valuable information" by alleging to report the personal and pecuniary standing of those engaged in the grocery trade, dry goods, hardware, leather, lumber, furniture, drugs, jewelry, liquor, or what not, the methods are practically the same, each one following in the footsteps of Bradstreet and R. G. Dun & Co. in the manner of gathering and compiling what they sell. The two great models may be said to be exact in their operations, differing in some minor circumstances. Most of the smaller ones have not yet advanced to the publication of a periodical, called the reference book, in which names are printed, giving the kind of business men and women are engaged in. caricaturing the value of their resources, and the value of their credit responsibility, whether from a pecuniary or moral standpoint. All, however, supply their customers with extended written reports, in which these points are set out in detail, alleging to evidence those matters which pertain to the conduct and worthiness of private life. Nearly all of them solicit the collection of money, this being the chief means of compensating those of their reporters, called lawyer correspondents, the Bradstreet company more indirectly by recommending these correspondents as collectors, R. G. Dun & Co. having a regularly appointed collection department which is in direct communication with such correspondents, the best plan doubtless in spurring them up with their reporting. Some of them do collecting only, their reports and publication more in the nature of blacklists of those who do not choose to pay or are unable to do so as their mandate sets forth, generally within

a specified short time. Even those devices which are springing up in the smaller towns, where traders enter into a confederacy for blacklisting patrons who have been dilatory or fail to settle their accounts, find example for their methods in the mercantile agencies, as also those threats some creditors had been known to resort to in using the letter-head of a bogus mercantile agency of flaring caption and terrible consequence, signed by the bogus name in care of the postoffice-box of the user or one rented for that purpose, that the debtor must pay up specifically and speedily or his delinquency will be published in those places where he may seek credit. This latter project is more a proof of the terror in which too many of the business public stand in respect to being secretly published; those resorting to it preferring to use their own methods to work upon this well-understood feeling at the least cost to themselves. It will thus be apposite in the course of these remarks to refer at times to the methods borrowed from these money-making devices, in pointing out the vileness of the whole system.

Mercantile agencies assert for themselves that they are essential adjuncts of commerce, one in particular using the phrase on which it doubtless claims copyright, "For the promotion and protection of trade," and by implication should regulate credit by the assigning or the withholding of their symbols as to who are entitled to it and who not in their private transactions. With this assumption they started out on their course by playing on the credulity of man, his fear of them, or his lack of self-reliance. There is no doubt but that the plan is a perversion of the methods pursued in the credit department of large business establishments which communicate directly with those who ask for credit, requesting them for a statement, when thought advisable, of their resources and liabilities, and questioning them with reference to their qualifications for

credit, concluding with a desire for references.

A jobbing house that had a considerable patronage in the territory contiguous to New York City went to the wall. Among is effects were a number of statements made to it by merchants of their pecuniary standing, memoranda from private sources touching the personal and business history of many of them, and correspondence in relation to the means and business responsibility of others. New York City was reaching out in every quarter for trade; here was a nucleus, most of it worthless, of course, but susceptible of revamping, which could be used at great profit in supplying those who desired trade information, but without getting it in the legitimate way. Lewis Tappan, the ancestor of R. G. Dun & Co., saw his opportunity; a few years following J. M. Bradstreet became the lineal progenitor of the

company which still bears his name.

The commercial traveler was to be superseded in his main function, their customers should dispense with the only legitimate mode of learning the standing of those with whom they had transactions. At first the work was confined to certain districts, mainly those connected with New York by transportation lines; but as the great metropolis extended her commercial connections, and as they waxed richer, they saw riches greater still, until now the United States do not contain them. They would set up the claim of being arbiters between buyer and seller, without the former knowing what they do, designating who should have credit and who should be refused. Indeed, so bold have they become that they demand of persons, irrespective of their calling, to go into the minutest detail of what they own and the character of each item; what they owe and the character of the debt, and catechise them further as to their private life and their manner of living. Further on, "statements as a basis for credit" will be more fully noticed, their reports thereon and the way in which information is gathered by these vicegerents of commerce, for the reliability of the individual credit-seeker should not be considered by the credit-dispenser, but the reliability of these should be accepted that pass on the standing of the individual in whom they have in fact no true business interest. And like kingly authority, they claim no responsibility should attach to them for any judgment they pass.

By their effrontery they have made persons believe they are a law unto themselves, which might be inferred as well from some of the court decisions. they use processes no positive law would attempt, nay would enjoin, in preserving the temper of society if we do not always see the legislatures exercising a duty in the nobler object of elevating it. Many really good men, with a leaning in favor of the mercantile agencies, remind us that it is prudent for those who have a material interest in the moral and pecuniary standing of another to scrutinize him closely. This is very true, but the proper course should be pursued, which leaves the mercantile agencies out of the question. For of all the mediums they are the least interested in the standing of people, and they are engaged in no occupation in which there may be a reciprocity. What is intended by this reciprocity is, that, in the course of commerce, a man thus engaged who finds it prudent to investigate the standing of another may in turn be investigated by that person from a similar motive; and if a third person is called on for his advice it is presumed he stands in such a relation as makes it probable that, presently or at some future time, he may have a material and direct interest in the person inquired about. houses recognize this to be the best character of information from third persons, communicating which, but not making a business of it for profit, nor for the use of others besides the inquirer, is moral and legitimate, and the law makes such communications privileged. But who inquire about the mercantile agencies, except when they are hauled up in the courts? They do not pay themselves the poor compliment of reporting themselves or each other. This is unnecessary, however, so far as credit is concerned; since they require cash they ought to pay cash for their supplies, and as they have no connection with trade or finance there can be no such reciprocity. They are in no business that could possibly bring about a mutuality of interest in commerce; they neither produce nor distribute wealth; they are merely parasitic absorbents that fatten at the expense of the consuming public by trafficking on the reputation they make of its individual members.

Such investigations are of the most delicate nature. and there is no place in the inquiry for go-betweens that make it their business. To employ them from an honest motive is simply a confession of deficiency in business training, and the man who knowingly deals with those who use them places himself deliberately under their espionage. It would seem that of all the meanness, it is to solicit the patronage of one and then, after winning him over, to set a detective after him; or if a transaction is contemplated, instead of relying on one's own sagacity and proper means of information, he should employ a spy to tell him what to do, and in both instances the personality of the surreptitious information unknown to himself. Would be so humiliate his patron? Oh, no, it is done secretly, he knows nothing about it. Would he confess his incapacity for business and a suspicion of every man? No, it is capital which is timid.

Detection implies a suspicion of wrong intent or actual guilt. Distrust then of others, and business capacity which is afraid of itself, appear to be the incentives why some really good men employ the mercantile agencies. But admitting the economy of commerce requires a system of detection, it is well known that it is sixes and sevens as to how the mercantile agencies mix its angels and devils in their reports, as their customers rue so often the authentication of one dressed in the garb of the other. But the customer pays his good money for what he wants, his patronage must be continued, he has asked for information; he must have it, hit or miss.

It is fully appreciated that the most successful man keeps his best eye on the details of his business, and not the least important of these is the constant study of the conditions which relate to those he credits. When these details grow to such magnitude as to get beyond his personal oversight, his next step is to have the best assistance. This applies to the business man no less than to the commander who is most successful in the selection of his lieutenants. Whatever the mercantile agencies claim, all the large business houses

have their regularly appointed credit departments, the heads of which are among the best paid, the position a most responsible one, requiring an extensive knowledge in those circumstances which are current with commerce, and much tact in credit discrimination. They have their private correspondents wherever their trade extends, lawyers or business men with reciprocal interest; if thought prudent, a schedule of assets and liabilities is required of those who ask for credit; not infrequently, if the credit asked for is of considerable moment, a personal interview and understanding is had.

The mercantile agencies have not made good the efficient promise, since also these necessary departments in great measure were to be abrogated; but instead, we see these departments more thoroughly systematized as the commerce of the country increases. In this connection, it is but just to remark that a great number of the firms and companies, granting large credits over the country, do not use the service of the mercantile agencies at all. Some of them place no confidence in their reports, many of them on account of dearly bought experience; others, while they have no faith in their reliability in the long run, do not believe such work can be justified in law or morals. There are others who get indignant when told they rely on such makeshifts in the conduct of their business, but excuse themselves on the score that they buy the service only to get addresses from the reference books. Even for this purpose, how badly they deceive themselves! Certainly they would not attempt to communicate with dead men, who are alive only to swell the ponderosity of the reference books; while names are printed that are out of business, firms misstyled, wrong occupations assigned, etc. These embrace, however, but a small proportion of the names that, as the ratings preponderate in misleading, would hardly yield a profit on the postage, as also there are a great number in lawful business, who might make a profitable return to the "circular" solicitor, but whose names are not in the books at all. And it is unlikely that the speculator on their reports is given his "even break" when the perturbants are considered which affect his chances; for if the circumstance of credit in connection with commerce is considered as it ought to be, taken with their representations of personal standing and pecuniary strength, it may well be doubted if the reference books

tell the truth by half.

The commercial traveler is a fixed utility in the production and distribution of wealth; a medium for exchanging its superfluities; an important agent he is in finding a place-value for useful things. His necessity to commerce is appreciated by producer and consumer, by buyer and seller, the latter realizing that contact and personal solicitation is much more effective, especially when competition is sharp in a healthy state of commerce; while the buyer appreciates the fact of their making a competitive market wherever they go. and besides, he has the satisfaction of knowing the person with whom he deals. The larger his sales that much more does the commercial traveler aid labor in the fields of production; as he is welcomed by the consumer since he places utilities in convenient reach and cheapens them by competition. It would thus seem that of all the agencies he should be the best qualified to determine the safety of those he sells to, as he is constantly among his patrons, soliciting the trade of others, at all times object lessons on credit are before him, and certainly he is impressed with the best interest of his employer. And yet, intelligent, conscientious men of long experience, have been heard to say, their instructions are to sell goods, not to look into the standing of buyers, as that part of their business is attended to in the office of their houses, perhaps thousands of miles away.

Likely the handy aid is the mercantile agencies, yet those houses which have their credit departments would hardly ignore the advice of their travelers, on the ground of the buyer, and whom they trust in other respects. No effort, however pretentious its efficiency may be, can serve two sides with equal fairness when one is exploited secretly for the benefit of the other; and yet the mercantile agencies would be moved by that spir

which prompts men to a faithful discharge of what they undertake; that spirit, however, which with them is one-sided, moved only by a money consideration from the side claimed to be benefited, yet confessedly, by the nature of their secret work, great wrongs may be done. It would be, however, quite difficult to say which side has the most hurt from the material standpoint, those who are misled by their reports or the misrepresenting of the reported. The nature of the work propounds the inquiry. There is no mathematical equation for the solution. It presents the dark side of commerce with its losses and with its victims. While a rough estimate might be made of the millions lost by those who speculate on or put faith in these reports, the waste from the public wealth which they precipitate, the effects from competition with bankruptcies and the like incalculable, the question of morals is an all-pervading quantity in a problem of this kind. And again, the thousands who are trying to get up in the world, even the thousands who are already up, do not at times understand the mysterious force that has a throttling effect on their efforts, which is among the most iniquitous of the wrongs with which the mercantile agencies are charge-In time, as these aspects come to be better understood, the system of inter-communication with respect to credit responsibility will be adopted which is more in harmony with the rights of those who are reported; and it would seem if those who patronize the mercantile agencies are not able to devise a more rational plan for credit information, for the losses they incur and for their peace of mind, they would induce a concentration of business nearer home, where such information is more accessible from known sources. How many fail or are crippled on account of false guides in making their credits! How many, on the other hand, labor under a disadvantage they cannot account for, as their credit is hammered down, while a weaker rival in moral and material resources has his inflated, who often ends in actual or apparent failure, or mayhap goes up in smoke if the insurance companies have been he mercantile agencies' reports of him!

At their outset the mercantile agencies were exceedingly cautious in the manner of selling their reports, while their reference books were handled as sacred treasures, entrusted only to the custody of the customer, who was supposed to keep his "fountain of information" under lock and key. This precaution was advisable before their boldness had reached the point we now see. Redress for libel or holding them to a personal account-

ability were the main fears then.

But their contracts still enjoin the strictest secrecy, and how contemptible the self-respecting man must make himself feel on putting his name to one of these one-sided instruments, in which he agrees to substantive stipulations while the other party would be relieved of every obligation that goes to the gist of what the work professes to do! It may be on account of the injustice and voidability of these "heads I win, tails you lose" agreements that customers use the reference books and the detailed reports, as they feel disposed. Hence, explanations and lawsuits are largely in order when a customer informs a debtor, or a prospective one, that the mercantile agencies say so and so about him, not of a reassuring nature. But since the quirks and interpretation of law have an especial adaptability for them, the injunction of secrecy is now more a matter of revenue, for if customers permit others to inspect their books and reports, the list of customers may be very much impaired. The greed for revenue and net profit is the absorbing object, for what they give at the least cost to themselves.

When the class of men and youths they send out as reporters is considered, the perfunctory work in that kind of investigation which requires self-interest, and the peculiar tact and fairness such investigation should denote, it is surprising these evils to commerce and society have not been swept out of existence long ago. And when it is known how they procure from so-called correspondents the greater part of the reports they sell, costing them relatively nothing apart from the postage, stationery, compiling and publication, how conspicuously do they stand out as sponges that absorbable in wealth from the unpaid work of others!

Any one liable to fall in their hands as a subject of inquiry and report of his private life and affairs, it will at once be seen what dread they excite in the mind of some persons, but in the mind of fearless intelligence how unfortunate from the first such work should ever have been tolerated! Now the mercantile agencies feel they are intrenched behind the law of judicial interpretation, and not long ago the claim was made that the spirit of the Federal Constitution in the Interstate Commerce Act, took them under its especial observance. And yet what a parody on that society which finds its defense and protection in an organic law, guaranteeing a remedy for the evils which creep into it, whether against the noxious growths that poison the fountainhead of its well-being, or the secret foes that shadow the citizen in whatever way he may direct his honest endeavor!

But we have laws, which have their various interpretations; and since avarice may combine with the political spoilsmen, as we now behold the commanding power in our civic life, the legislative and judicial mosaic may serve as example to warn succeeding time. It should be far from the intention of a citizen to asperse the institutions of his country as they develop along the lines of truth and fair play. In official places, there is no denying we have men whose integrity is above reproach, and with this quality they sympathize profoundly for the wrongs committed in the name of its institutions; yet, for some reason, they are unable, or unwilling, to go down into the depths and root out the evils as they appear on the surface. The wrongfulness of the mercantile agencies is fixed in the sentiment of the people, but it seems to be a tacit understanding with the powers that be they may go on so long as they are not caught, and when caught no attempt shall be made against them only for the particular act. This offers another phase; for do not the charges which are brought to bar make court and lawyers' fees? Live and let live, a subject that furnishes such good picking it would be folly to kill off entirely, and after all do the people foot the bills? Even when they are

mulcted do not the good people foot the bill for them

eventually?

One who has witnessed these trials is impressed with how they defend themselves on the merest technical props, and when driven to the last extremity, after delays, rehearings, appeals, etc., they prefer a compromise to an open trial of the facts. The legerdemain will confound him, but he recollects the performance is under the direction of a tribunal of concentrated wisdom; and the plain man who knows that wrong has been done against the dearest personal right must repress his humble notion of justice, and powerless in his unimportance, his musing over the tendency of what he has seen is that only a certain sort get their dues. The excrescences that fasten themselves on the substance of the people, a shame and a blot on any civilization that suffers it, are above him; lawyers must take every advantage in the interest of their clients; judges must revere the technicality of the law; let them pay for the show who must. But were it not for the element in commerce that dispense credit, and that larger element who are reported by them to their "world of trade," the mercantile agencies would not exist.

It has been declared by more than the personally injured, and at various times, that the employment of these agencies to learn who deserve credit and who do not is wrong in principle and as a matter of business sagacity; for it is well known they do irreparable wrong every day to those who are deserving, and as guides to their customers, those who have been governed by their reports may each one turn to his losses and tell his experience. This loss includes, as well, the undeserving, who are reported improperly. One may take up the advertisements, given out each week by Bradstreet and R. G. Dun & Co. as trade reviews, and say to himself what use he has for such reading. reads over some stale fact, it may be; and their periodical resumes of business conditions, serving to keep them in evidence, is just as valueless to the speculator, who besides has his mind confused by their disagreement as to the same subject-matter. It is said that as

they are located in the hotbed of money-making plots they may be influenced by their surroundings, alternatively one taking the bull side, the other representing the bears, by doing which if one gets off the track of speculation the other may get nearer the fact; hence it is a bout between them, using their accidental hits and the misses of the other in proof of which is the best. Such a bull and bear game should drive timid capital into its hole forever, when the suspicious customer and the unsuspecting "lamb" might lie down together after resolving which is the more trustworthy for a business man to speculate on, the mercantile agency reports or the stock gambling quotations. The customer who charges his weakness to capital timidity has, however, one advantage, for he can speculate further on his lottery in these reports with the credit guarantee companies, providing he pays the guarantors of mercantile agency ratings a large enough premium and they do not go to smash before making good his losses.

But what is more intangible than credit? who can fathom the consciousness of its subjects? by what rule is it measured when the carefulest precaution has its mistakes? The best rule, it would seem, is to bring commerce up to a higher standard by eliminating the abuses which those resort to who aim to make the most out of it by such practices, and which have a tendency to cause the abused to use their wits in turning the wrongs imposed on them to their own best account. And yet, for a money consideration, the mercantile agencies affect to tell in short order whom to trust and whom not, but founded on second-hand or even further removed opinions or hearsay, picked up here and there, from whom it may be they know not. Such in general is the character of the so-called information they distribute over the land, kept secretly in stock for the convenience of those who buy such commodity.

One has started out in his own way, with an honest desire to better his circumstances; he may not be "up to snuff" in the ways of the world; all unconscious to himself he has been reported by the mercantile agen-

He asks for credit such as he believes he is entitled to: he makes his statement and tells about himself; it is highly probable he cannot understand why he receives only polite letters declining his request. Or if as yet he has not been reported, he cannot understand the delays and excuses, as in all probability the mercantile agencies, which he never heard of, likely hundreds of miles away with no shadow of interest in his personal or business repute, must give him a credit standing before he has a definite reply. In time he will find out there are many ways to make money, ranging over the wnole field from honesty to dishonesty, but he will conclude there is an invention which meddles with his affairs that deserves the premium; and although serviceable, undeniably to itself at moneymaking, it is nothing less than a largess imposed on the public with the pretense of promoting and protecting trade, when at most, apart from its own, it serves only the strange conduct of those who must patronize it.

It is for the customers who are reckless in the employment of these "credit spies" to decide the value of such service to themselves; it is for the public to decide if it shall be made the victim of such pretense. Truly they are much in evidence as promoters and protectors in the money-getting schemes, too much so by the whole, as subjects of their reports have felt; and by their accumulation too much in their own behalf, as customers have had to confess. So the field is an open one to them, and customers are at hand, what care they? They have protected themselves by contract against their customers, against the reported the law is their barrier, why should they not promote themselves? They are not in the work from any ethical purpose, nor, to use a western phrase, are they in the promoting and protecting business, for their health. Then why are so many of the business establishments patrons and apologists of the mercantile agencies? The answer might be a matter of ethics. Certainly a considerable number are made to believe in their efficiency, while they know nothing whatever of their ~

With a consuming desire to make money, there are men who speculate on any scheme that promises assistance; some have their vanity played on by the ratings assigned them in the reference books, as it is their pleasure to be advertised as wealthy; others so weak as to give up their substance, which they ill afford to do, in fear they would not be dealt with kindly while revolving in these differential wheels of credit circulation. So it may be seen these money-making engines have a wide margin of human nature to play on, and as the wheels are a-coming and a-going, it would be prudent to grease all alike, else the man who takes pride in his "commercial rating" might be an object of much incongruity unless he sees to it that his standing is revolved uniformly. He can thus make himself poorer, but there would be that much more symmetry in his wealth on paper; and further, as these discrepancies appear to be the rule, he should know that those who have a real interest in knowing the true state of his moral and pecuniary responsibility are that much more puzzled unless the symmetry is preserved. If he is reported worth a fortune and of tip-top character by one mercantile agency and another marks him down below zero, his tailor and victualer would be justified in having their doubts so raised as to require the cash down until they had done some investigating on their own account to learn the truth of his willingness or ability to pay his debts.

Largely on account of these discrepancies, raising such vexatious doubts, the customers of the mercantile agencies whose credit departments would find in them an ubiquitous substitute, and whose commercial travelers, as credit advisers, were to be dispensed with, have been compelled to rely upon their own means of information with more certainty still, the legitimate and very natural aids in deciding to whom credit is

really due.

CHAPTER IV.

But in patronizing these inquisitorial agencies, what more can the desire be than to get rich in short order? And yet, demonstrably, how great is the loss that is sustained by their use! The desire is the national madness. A plutocracy crystallizing at the great centers of trade and finance, surrounded by its arts and devices, the next-door neighbors, its cousins-german, in squalor, vice, human misery. Every project is subsidized which promises tribute from the whole country, the congestion of wealth and pauperism side by side, these menaces to the social order extending to every corner of the land. In the rush to the glittering goal of superiority it is true the greater number fall by the wayside, who, had they followed the truer vet methodic steps to accumulation, would after all have run a swifter race. They would certainly be more emulous as examples in commercial loyalty, right and honesty. And viewed from the economic standpoint, has not this desire made credit more a speculative incident than what it really should be as the essential coordinate of a well-ordered commerce? Men are persuaded to buy on credit, when an indemnity percentage is added to the price for securing the estimated annual loss on such speculation. In this way the seller would save himself harmless, which is but another burden imposed on the consuming public, who, however, pay for all the extras whichever way the turn takes. From this we may expect to see over-buying and bankruptcies, with the resulting effect on those who are forced to stem the tide from this sort of com. petition.

Ours is a great country for commercial failures, and it is a small town indeed where business men are not brought continually into competition with the forced sales of over-credited rivals. It is necessary to notice only for a moment another view of this species of speculation, or whatever else you choose to call itthose who build up as they may a credit standing so they may overbuy, and when the crash comes are fully prepared to bow with a profound sense of resignation to the will of their own plans. Unless this opportunity were allowed for getting up in the world, helped on by an agency which is "recognized by commercial usages as a necessity," the attempt to disprove that legislatures and judicatories are mainly in the interest, not of property rights, but of personal justice would be throwing away time. And yet in the adjudication of laws affecting personal conduct, it is hardly conjectured but rather expected what the end will be when the property standing is known of the person who has violated their rules.

Encouraged by legislation and the courts, or rather shaping these to serve his ends as man accumulates the more assertive of privilege he grows. If he is prompted to do things by an insatiable appetite for more, who is it to say him nay? "The public be damned!" The creation of Shylock was too early to typify the plutocrat, who will eat with you, pray with you, if his purpose be subserved. He is ostentatious in the worship of self, and lavishes on others in proportion as it makes income exceed outgo; the almighty dollar is his open sesame to all places and for all purposes. Credit is of no consideration with him in its aspects of conservatism and liberality, only for the object of its greatest fecundity in producing wealth; and as he plays on the credulity of those he professes to oblige, without loss and at the largest yield to himself, he is an uncommonly shrewd business man, in whose heraldry there should be no bar sinister, except that illegitimacy perhaps of the selfmade man. As fortunes were then considered, a late statesman who was never accused of avarice although his professional labors brought him large sums, said in substance, no man could accumulate such a one by his own exertion, and if he possessed such a one he laid himself liable to the imputation of having come by it " bonestly. He lived in that section of the country where the best opportunity was had for observing the methods pursued in the acquisition of vast wealth, which pale into insignificance by the side of the fortunes now amassing in the hands of a fewer still. The same belief is now verified by public opinion, but plutocracy

no more than expects such an imputation.

They know its truth, but truth and fair dealing are only pretty things to talk about. They are men of action, incessant action for money and self; a contest is going on among themselves for precedence at dimming the stories of historic and fabled wealth. He that is best able to exploit the industry of the people is the best equipped, inasmuch as this is the great source whence wealth may be plucked. The supercilious air when in full conceit of this mightiness, and the patronizing words of advice, spoken half in reluctance, half chidingly, about the objects of their dearest thought when a spirit of objection is manifested against their designs, need no portraval, as the public is surfeited already with the recurring benevolence of such demeanor and its characteristic results. With this state of affairs. bolder and more aggressive every day, confident in the power of money and the gospel of patronizing sophistry, is it unreasonable that virtuous manhood should have cause for feeling the time was ripe for a radical change?

He is armed already. In protecting self and home he can adopt a platform of his own, which the candidate for his suffrage shall confirm into law. His all is at stake; bribery and sell-outs must be removed from the domain of his existence; the tyranny of wealth must be overthrown, which is scarcely possible until every species of class distinction is stamped out of legislative and juridical acts; and man, not altogether as a criminal, be made the first object of the law's solicitude, instead of possessions. Grand orators never tire in telling that the ægis of the country is being wrenched from us, and yet the benediction is, we are a strong and glorious nation of patriots. The repulsive, yet truthful, picture is drawn of the lot of the poor and the life of the rich, the one sinking lower, the other mount-

ing yet higher, creating that most repugnant of systems to the American idea, class privilege; and still they

only paint and reproduce what they paint

Those who would hear epithets applied in the most graphic vernacular should attend a party convention or listen to a partisan on the stump. Once will suffice. as they are the same in lurid effect, and are used alike with the same boasting of self-righteousness. In unsuppressed terms the opponents are liars, thieves, traitors, fools, perfidious time-servers, betrayers of the people. The ordinary citizen is put at outs as to how such parties maintain a foothold, and moreover, as he sees that politics are so steeped in corruption, the epithets are justified. He always observes one thing, a prodigious scramble for office by the same set; he knows another. the country has been in charge of the two great parties since plutocracy began its reign, disappointment following the administrations; no proof of durable recognition is meted out to him as a constituent of the unforgotten millions at election time, while the favored ones, whose demands are perennial, have that nimble attention paid them which provokes the suspicion that such material favors most certainly have their reward. As between them, he has come to understand the homely proverb, it is merely a case of the pot calling the kettle black; the struggle is for the greatest share in the spoils; old epithets which were used for bamboozling effect are smoothed over and forgotten at the division. And who bestow the rewards but those they make able?

It is a blessed thing we have public schools and an independent journalism. These teachers of a more general information, the grand orators must discover, are the strongest aids left for maintaining the national unity, or for keeping alive the ægis of patriotic regard; and as the cause is learnt, education will not submit to the stifling weight that presses so heavily upon a true national development. A late prime minister, in speaking for the people of his country, asked that no class be robbed, and declared that unless effective means were taken to deal with the incalculable popula-

tion, which is growing half noticed, half ignored, there would be a danger for England such as no war had ever given her. Lord Rosebery does not stand alone in looking on the future of states. Such a sentiment might well arouse the statesmanship of every country, where the spectacle of impoverishment is going on as cupidity oppresses the people to their ruin, making government the instrument, and law the vermiculate plan for up-

holding its devices.

And yet, those who say true, sadly true, to the Englishman, are anarchists, social levelers. Yes, levelers in one respect, for they would hoist every man to the same level before the law, in fact as well as theory. They have no longing for the glare and ostentation and supineness of society; they would array a communism of humanity and equal rights before the law against the special privilege of the communism of pelf, which preys upon them. But what is the effect of concentration on labor and capital? We see wealth commanding at a few centers, controlling the resources of every district; we see population congested at the same places, half noticed, half ignored, the more congested that much more its necessities are at the mercy of uncompassionate greed.

This is no more a healthy situation for commerce. production controlled, prices and wages, but it is the harvest time of the centralized power of wealth, Undoubtedly there is much strength in centralization for capitalism in its control of politics. Throughout the country it is felt in trade and finance, supply and demand, as the result of this power in government and over its laws. In concentration there is strength, although the units may be envious of each other; not every one may bask in that society whose pleasure is distilled from the concrete of sodden wrong and penury. By dwelling together there can be those exhibitions of luxurious superfluity in which the rivalry is invidious as to who shall beat in magnificent flummery; and the pleasure is intensified as the vulgar crowd is struck aghast over the splendor which is carefully chronicled for this amazed effect. Money and its achievement

must have an audience at a distance from the players, the theater exclusive with its vivid scenes, the actors holding the glass to their own natures, the point-nopoint made as one outdoes the other in some insignificant though costly novelty, when the common herd may be treated to a rehearsal in the newspapers. Such reading is, of course, good pabulum for the interested, but the miserable creature who marks and digests this refreshing food for the mind will wonder if ever it shall come to pass that such accounts of profligacy may sustain him with the bare necessities of his inward and outward needs so that he hungers not nor goes naked. Thus we behold the positive and negative poles of plutocracy, a vaunting of its excesses in riches and poverty, the social anomaly without caprice, every movement studied by those who hold the controlling hand. Unnatural as it appears, its phenomenon is the subjection of the main element which makes it possible, misusing it in accordance with a one-sided law, its highest law, that as the productive forces are crippled and controlled the induction of plutocracy may be confined to the least number in owning the wealth of the country.

What then? Truly, one part of the world is asking. In the process of diverting wealth, and centralizing it in the ownership of a few, the mercantile agencies do all they can, serving themselves first, for although they are busy in promoting and protecting the interests of other people, they are busier in looking after their own. As it is where wealth is most centralized chiefly they get their quantum, it is an everyday proposition, what is the duty they owe first to themselves? No, it is not the country against the town, but obviously the centers of wealth would have the rest of the country pour its riches in their laps, using the mercantile agencies for spying out the land by assuming a judgeship over it as to the fitness in reputation or fortune of its people; and assuming, further, an arrogant mien, when told they are meddling with the affairs of people in whom they have no interest further than an obligation taken upon themselves in helping to build up the great centers of private fortunes where they accumulate their own. But this should be no marvel in any case of avarice uncontrolled, for we see it uphold any plan or abomination that really or pretends to advance its cause. If the individual is set after, with the mercantile agencies on his track, the chief magistrate of the nation has deplored the malignance of the influences which have become so bold that no right, public or private, is so sacred it may not be invaded for what gain might be got out of it. The smoothness and bounce of diplomacy is hardly more useful as an instrument for this purpose than the swaggering demeanor and impudent browbeating of the more inquisitorial agencies.

A provincial on visiting one of these centers will be amused or awed when admitted to a plutocratic presence. His first sensation will be the smallness of his own individuality, and how contemptuous the regard is for the district he hails from. If his time of sitting, more likely his standing, is of some length his turn will come to judge of the littleness of the personage before him, except in his dictation of the details which others are to execute for him in his money-making. He boasts of his great city and its rich, but not of those whose real work goes so much towards making it and them; his reference to himself is the low-bred vaunting of an egoism; if he affects travel it is to Europe, where he spends money on himself unstintedly in mak-

ing of himself a shoddy aristocrat.

The negro divine, fired more with conviction than argument, showed he had an answer if he was unable to comfort the thought of the more intelligent of his audience. Picturing with much truth and pathos the inequalities in the distribution of wealth, his race the hewers of wood and drawers of water, the great body of white people getting poorer and poorer, boding in time the black man must be elbowed from his lowly employments; and finally, if the whites were driving each other into servitude brought about by the concentration of wealth in the hands of a hard-hearted, stiffnecked few, what was the fate of his people? An auditor rose to remark that he had heard that question

asked before. All was as true as tribulation. What he wanted to know was, What were his race and the poor white people going to do about it? The orator was silenced for a while, but his negro wit would not desert him. He answered that he had given that end of the subject much thought, and after mature deliberation he had concluded to let the law of God take its course. The seed of woman shall bruise the serpent's head. He prayed that more society women would grow up to marry the big rich men, for Colonel Giles had told him the breed ran to spindle-legged, empty-headed dudes, who had no harm in them but to squander money and ape

the foreigners.

This is about as happy a solution of the situation as we have from the more learned doctors who have their cures. What Colonel Giles said is a favorite caricature in all of its absurd changes. And while in this way the breed is being made objects of contempt and ridicule, in their way they are quietly at work making dupes of the people. Assuredly do they ape the foreigners, and in a manner that must divert even the models; they may squander on themselves riches that make dissolute princes and lords wonder at their resources; but they are no less trained in the art and have the opportunity of making a nation their treasure-box. It is only too painfully in evidence that the scions of plutocracy can be as adroit at accumulating, and not a few of them have the zeal to overreach the reputation of their fathers. And should any grow up incapable at turning opportunity to account, "talent" is ready for its reward, to carry on the plan. Plutocracy, with its hired talent, is truly the master as the situation now stands. With the invincibility of wealth, influencing the functions of government as the main implement for aggression and defense, what opposition may withstand it?

A prominent independent journal says: "As a rule political parties have never terminated any campaign issues, which they were not forced by the people to settle reasonably and peaceably, until after they became belligerent armies and led their followers into

campaigns of blood." Then, the followers who may order the political parties for the quality of good they do them, must be up and doing with their potentiality, or, as at the beginning, politics is but the blood and plunder of militarism. But blood, the result of plundering, may not be shed, for there is an invincibility under our constitution, dormant though it seems to be, and now it is the potentiality of enlightenment. In general, armed rebellion against social disorder originating in government abuses has but one termination, liberty and right further abridged; and yet, when the might of the oppressed is not capable or is unwilling to oppose with active protest, then indeed the ultimate catastrophe to nations in this state of quiescence

may be looked for.

Clothed with the right of franchise, is not the preservation of the nation youchsafed to peaceful action, or shall even this be the means of giving over the most vainglorious republic of modern times to the same instrumentalities of national ruin which gave over the most vainglorious republic of ancient times? We have the bounteous country, there is no doubt, but as for its government now, such as it was not intended to be, it can hardly be matter for pride unless it be that distinguished pride, suffusing the lord of wealth as he contemplates its resources, which the energy he would reduce to servitude may develop and lay at his feet. Political parties are dependent, they must coordinate with some object in the social state to play on for good or evil. In our day it is commerce; and while the militarism of territorial robbery may be nascent in behalf of private interests, it is now actively the robbery of a people by a class through their commerce. The power of money makes mighty the sword; but commerce has a more peaceful object in view than in being turned into an implement of plutocratic warfare. Need a bloody reckoning be possible? A republic so young, the Hope of liberty in every land, its decay the judgment of monarchists, shall its downfall be read in the corruption of its commerce? Without the intervention of specious aids, the relations of commerce are per

and prosperity, faith and friendship, duties reciprocal, requiring action untrammeled. Individual effort is thus encouraged, integrity becomes the touchstone of success-not between two suns-while each community would be revitalized with an energy for developing its possibilities in expectation of the fullest enjoyment. But by the abuse of commerce, and an intermeddling with individual action, the state of affairs thus produced is felt, not only in the immediate wrongs, but in what it betokens. This state is exemplified in the gigantic fortunes which are used for controlling the material vitality of the country, whether owned privately by one or a set, or massed in trusts and monopolies, and both aided in its own way by that vitiating obtrusion, the mercantile agencies, which exploit the private life and belongings of the citizen. Such a state of affairs must produce its consistent spontaneity, for men aspire as the example is set. As the mercantile agencies attest, the place to be reached is a high one, and a shaft of gold must be the vaulting pole. In the effort to be numbered among the exclusive, short cuts are taken, when often theft, embezzlement, forgery, swindling, arson, even homicide, and a multiplicity of other frauds and breaches of confidence, throng the way. How anxiously would many recall their steps! But with others these happenings, found out, are merely the episodes in the desire for riches. They made a start; the idea of what makes life worth living was irresistible. Fools! if caught; no shrewdness. They ought to go to pot for making such an out of it. Fortunate fellows! if lucky; they have enough to buy the good opinion of the law.

Ours is a short history to range over, but it is filled with contrasts in its action. Take a view of the not distant past, and contrast then with now. The period when population was expanding along the line of natural distribution; when the immigrant on reaching the shores where freedom of action and title to the full reward of his labor were guaranteed, sought rather the wider range of opportunity and happiness in a country life. The rising generations were contented

in the neighborhoods of their nativity, and no social state ever progressed in such equal proportions. The baneful influences, in politics especially, were abroad in the land, but chiefly they were held in subjection; commerce had given to it an impetus which serves now only as illustration for the reformer who looks backward.

The situation was lovely in form and movement, but cupidity-might not withhold its ravishing hand; unsuspecting and asking no protection to its amiable freedom, the occasion had come. "Business talent" and "perfidious statecraft" put heads together to prostitute As this has been going on more it to their lust. eagerly since his party laid aside the sentiment of humanity to subserve this consuming desire of plutocracy, adopting which as a party measure as it had the power to satisfy it, from his point of view, Senator Sherman states truly that his party represents the "business ideas." And yet, the controlling power of the party strongest in opposition to the worthy senator's, is in close adoption if not a claimant of his fondling. were a blessed thing were all the political parties less "strictly in it" with the business of the people. But so being, there must be a reciprocity, and of course there should be a "standing in" with those interests which are in position to give the best lifts. Finally, legislation becomes special, man is overlooked in satisfying the demand of property interests, the glorious old party of mercantilist heredity and the unterrified one born of anti-mercantilist instinct now engage in the single combat as to which shall serve the power that has overreached them, but which, however, seek and require an interdependence with the one most likely to gain the ascendency in control of government. The principle of the thing cuts but a small figure. "My investments," said one, "take in the whole country; in a Democratic district I am a Democrat, in a Republican district I am a Republican." A great "trust" adopts the policy of putting up a "campaign fund" for both parties, so, whichever way the tide turns on election day, it will be found in the swim right side up to command.

Is politics then insufficient unto itself, without such alliance, the purchasing power and influence in the back-

ground imperious and superior to it?

The seductive stories of places where fortunes are so much in evidence, the immigrant next imagined that, as opulence and opportunity ought in a measure to be relative, to dwell in such surroundings the way to get rich himself was at last found out. The influx turned thither, thus doing the very thing to concentrate and further swell the great fortunes heard about by centralizing population, whose competing labor might be controlled to its greatest disadvantage. The result now is, except the entrepreneur, the better class of foreigners stay at home, wisely under the existing order of things, since it has been learned that, in seeking one's fortune in the United States, success is more a matter of favoritism of the law than of favor bestowed on honest and independent exertion. But all are welcomed, especially the toiler whose capability or capital is the easiest to subdue, although the understanding has gone abroad that to come he not only imperils his individuality, and as it would be necessary for him to subsist by his labor, he is welcomed hither to be played against his fellow toilers.

And too, the native young man in the country has been seduced by these stories. With normal conditions. always more unequal in cities, living the happiest life under the sun, oddly enough, this glamour of wealth should act on him like a magnet; and if his desire is awakened to get "big rich" himself, he too imagines it ought to be accomplished where affluence abounds. He thinks it strange that where individuals spend tens and hundreds of thousands in profligate enjoyment, the way should not open to him, as he is willing to follow the example of the shrewd business men, whose word he is told turns to money. It does not, however, take him long to discern that, in fact, there are great and special avenues to wealth, but occupied already and controlled by a few, who instead of a willingness to admit others would limit further their own number; and standing at the entrance, if he has the wit of the robber, he realizes his only chance is to pick the lock or burst the combination. In time he may succeed, as many do who show the requisite qualities, in enrolling his name with those who exploit the labor and resources of the country; but generally he winds up at competing with others to increase the profits on unrewarded toil for those who hold securely the avenues. He must live somehow. Hence we see in many of the rural districts that population has diminished, the old blood becoming extinct, the young men having left as they grew to manhood, few of whom succeed as they had hoped, many with wrecked lives struggling and devising to exist as they never suspected it would be their lot. Or to attain the great object the example is to be followed that somebody else must be made poorer; the words that turn into money he finds have their alchemy in turning hearts into lead; and meantime, being of a changed nature, he may have found out his own heart has turned into something whose quality has inadequate comparison with the frigid or hard complexion of material things.

A magazine contributor, who says he is an employer himself, in the role of adviser between employer and employé, condenses himself into a very few sentences. He informs us, "The sole aim of business is for making money, and the ambition for commercial supremacy." Doubtless, he is the "boss" also in supervision of his departments, when, substantially, he tells the employé that if he behaves himself in accordance with his school of merit, labors unremittingly as his employer dictates, and so on, by the grace of this supremacy he may get up in the world after a while. Further on he reminds us, "this places the art of business on a cold, hard and selfish basis, for business is a selfish institution, and men engaged in commercial strife are, for the most part, selfish." Precisely, for the ruling spirit which molds this sentiment, and well said by this employer,* who has the assurance to express his feelings in so definite a manner, just as the employé has his experience.

^{*} In a subsequent writing this same employer says substantially, a business man, as a matter of business prudence, ought to join the church, as public worship has a favorable effect upon his business prospects.

But how encouraging to those who hope to get up in the world by their labor, when labor is at the mercy of this selfish and so exacting a capitalist who is in the conflict for supremacy, yet a dependent upon labor! The employé has no doubt dawning upon him that the chief means of this employer for reaching the point he sets for himself, is the profit on labor; and hard, cold and selfish as he admits himself to be, what more might be expected from him than a sufficient wage to maintain his employé in strength, like the brute that serves him, so he is kept in the most profitable trim? But we see employés who are not allowed enough out of their labor to keep them even in this condition, very much against the sagacity of the employer, it would seem, in his hurrying on to the object of his supremacy. beast of burden, repaid with comfortable stalls and a full stomach of nutritious food, can produce by his labor more than the one ill-provided for. A few employes do get up in the world, it is true, by such assistance, the only chance, it may be, as the avenues are now controlled, but in most instances is it not because of those qualities which the hard, cold and selfish admire most, or if need be require, as confidential aids to themselves? If our adviser got up himself in this way, he has shown quite satisfactorily his qualities in this respect.

And somewhat like the consolation of a contemporaneous writer from the mercantilist point of view, who turns his talent at times to domestic economy. Those who are so unfortunate as to work for a living in the sweat of their brow, seeing the price of wage exertion going down as its profit goes to swell the account of the more fortunate, or those who have been shut altogether from their opportunity to work for a living, this experimentalist in the art of keeping body and soul together has come forward with the discovery that one may live on a dollar a week, providing he has the dollar with which to lay hold of the nutriment and apparatus and devotes his time to mastering the art. So much the better—for the employer, if he could subsist on air—water, better still—nothing, as the grimy

profit-producers contaminate the elements appurtenant

to the earth, which capitalism would claim.

But why should business be made the foe of the nobler and more humane feelings of man? why should commerce be made the incentive of strife because the brutish nature of man desires a supremacy over his fellow man? Without the cultivation, however, of this nature, it is certain that fortunes, as fortunes are now regarded, could not be acquired. Every moral sentiment convinces that commerce is a civilizer; strife, and the use of it for personal gain, its most hated enemy; that its way is for peace and order, drawing together men and nations. It inculcates the rights and duties that men owe to each other; the first object of the legislator should be to provide for it the freest facilities in its intercourse and exchanges. Then the lack or impairment of confidence would not be heard of so often

in business dealing.

The march of the "industrial army" to the nation's capital was no doubt animated by an aggregation of foolish notions with respect to the duties of government, and yet, a great revolving truth put a question in their mouths which was unanswered. If government aids one class why not another? And if government is generous and compassionate, its chief solicitude would be for the needy citizen who made proof of his condition in person, instead of continuing its partiality, or rather its benefits, to a class it had already made rich. But back of such movements, there is an all-pervading sentiment which cannot be disregarded. It is that feeling which inheres in the human heart, sometimes an impulse easily misguided, but nourished and encouraged by the intelligence of fair play, it finally assumes a practical form, and when put in motion its purpose is never relinquished until a reconstruction of some sort takes place. The land is teeming with revolt, and although its action may often be misdirected, the cause is none the less repulsive to the nobler sentiments of mankind. When the practical form shapes itself and the leaders appear, shall the movement then be ridiculed as indecorous, the purpose being to unloose man from an unnatural environment a heedless government has helped to coil around him? This shall be no secret organization of signs and pass-words, but a unified movement, open and aboveboard, against the common enemy whose ways are those of strategy but whose ac-

complishments are known to the wronged.

The march to the nation's capital year after year by the political spoilsmen, bribers, government favorites and lobbyists, makes an imposing army, but it is more a pageant going to celebrate a victory. It makes all the difference as to how they come. If a straggling lot of hungry and ragged, unarmed and foot-sore gangs approach with begging petitions, they must be met by squads of police who read proclamations of warning; if they come all caparisoned in special conveyances. armed with special demands, the freedom of the city is speedily granted; egress and ingress to the houses of Congress does not end the question with these cleancut, well-kept, smooth-tongued militants, and their treading on the grass is put by with a smile. In person and by agents, whose shrewder talent may hasten the supremacy sought, it is the army maintained for "business," whose conflict here is to work the government. In the language of Washington, "Let us raise a standard to which the wise and honest can repair; the event is in the hand of God."

What fustian and rank flattery was that in the address of a congressman, at a time of panic during the present depression, before a body of business men whom he styled the great captains of commerce, banking and manufactures! After praising their conflicts and successes, he continued that "the prosperity of the country has come to the cross-roads; your knowledge and experience places it upon you to decide the wisest course." These words were received in rounds of applause, the speaker afterwards conducted to a splendid banquet. It is said whistling keeps up the courage when passing weird places, and certainly the business of the country was graveyard-like. The situation of commerce was the most critical yet known. Money locked up, manufactures closing down, agriculture in gloom, transpor-

tation at its lowest ebb, yet the great captains could only hold meetings for mutual admiration, the flatterer of their pride a member of the foremost law-making body. Labor out of employment, winter ahead, human misery in store, what cared they further than dividends and per cent might be disturbed by a cessation of the wealth-producing energy? Superficially regarded from a "business" standpoint, but as a matter of practical truth, it should seem the captains ought never to permit labor to remain idle. But this is counting some-

times without your "business head."

Why the classes that represent capitalism should be called captains, which implies leadership, is not known, unless it be that in the grasping conflict the titles and dignities might be captured just as well. They do lead, however, in avaricious warfare; but it is well known that in times of crises they are seldom found in the vanguard, or in the relief corps, fighting against that which thousands suffer from in commercial depressions. In fact, they are too often the very agencies that produce the calamity. Turning commerce topsy-turvy, perverting it, inflating it, restraining it, all as a matter of business selfishness, must have its effect, which at first was being exploited, as the story might tell. Controlling the use of money and industry, these captains need not attempt to shift the responsibility to Congress—the most transparent of subterfuges—for indeed, has Congress not been obedient to their behests for the last thirty years? Captains of commerce, vultures rather many, who, after the shock, with reserves in readiness, are prepared to take advantage of the misfortune of others. Such are profoundly conscious of their leadership in times of activity; self-laudatory in hard times, are they impotent or white-livered, or do they sit quietly by, breaking the monotony with festivity, while waiting for the grand opportunity? It was one of these who said there was no use in parting with his money, even at exorbitant rates, when it was breeding like pigs in his vaults, for when the crisis took a turn he would double it over. He had smelt out some foreclosures perhaps; there was some insolvent he

might trick; he could cadger the needy; in returning to its employment labor could be told the initiative must be with small reward, as timid capital goes slow.

Labor and capital are relative, the one paramount and pre-existent, with capital dependent on it. ordered society each is stimulated by the other, cooperating in mutual advantage; but were capital, now holding the supremacy by concentration, wiped out of existence, labor perforce must still produce, as it has always done, that the world may be sustained. But the dependent one has assumed the chief place in the copartnership. Capitalism toils not, nor spins, unless a devotion may be so called at figuring how low the price of labor may be reduced and how high the produce of labor may be sold, or in manipulating stocks and bonds, largely founded on fictitious values. no book-keeping as to the fair profit each is entitled to in the joint enterprise; it is always one works for wages, the other is an investment for profit, when the profit of both investments, for labor is an investment of time and energy, is carried to the credit of that side which is now supreme in fact. But not only is labor denied a participation in the profits; capital, or as now, capitalism, to which labor is yet a relative absolute, would deny that its partner was worthy even of that reward which makes it yield the greatest return. This is well illustrated in the work of the mercantile agencies, employing thousands over the country who are paid pittances or nothing at all, while in their begging requests for the services of thousands of others, compensation is overlooked, except in thanks when the entreaty is urgent. By a subversion of this mutuality in interest and reward on the one hand, wages and profit on the other, labor may be humbled to the place of subordination and dependence. And by this clever change of front in the notion of dependence, oppressed and degraded in divers ways, with that courage it has left and knowing its necessity to all alike, there should be no astonishment at the attitude which labor is assuming towards its relative but by no means essential nert of its indispensableness.

Cheating labor of its fair share in the profit of its produce, and cheating the consumer in prices, make it quite plain how some people come by fortunes so easily. just like rolling off a log. This is not the period when the country was not ground under the majestic tread of sordid capitalism; then fabulous wealth was thought of only in the stories of eastern pomp and their sequel of injustice; when now the divine right to oppress and rob seems to be reclaimed, while submission thereto is not even promised its reward in the life to come. Nor is it that period when commerce was developing in natural order in every part of the inhabited country, making it more strong by sowing continually the seed of contentment in the hearts of a country-loving people. On account of the causes which have thrust their roots into the social life, corrupting the principle of national well-being, no people can be knit together in the sentiment of patriotism when the law-making and law-dispensing power will not or is unable to maintain those rights which are as essential to man as they are original. But another seed may be planted whose harvest shall be another independence from an oppression more fatal than that which was attempted by the mercantilism of England, the similar oppression at home of centralizing wealth. The western senator would be arraigned for a crime for saying there was "a small section of the country that we have pampered and paid tribute to until the people of that small section have become insolent, imagining that they own all this country." He might have been even more explicit without incurring the charges of sectionalism, for the greater number in that small section have a right to and do feel just as he does. Capitalism-plutocracyis pampered all over the country, paid tribute to, and do acts of tyranny; but in one section it is more centralized, the example of its power and influence there set, hence its tyranny is there more noticeably emphasized. Neither should there be disparagement between the rural and town populations, as both are appropriate to the social state. The friction is between the people at large and the abuses of capitalism at the several cent

which in the insolence of its power compels the whole country to pay tribute to it, that communism of pelf we are warned against, corrupting commerce and seducing or forcing men in high public stations to acts of perfidy. Thrice in our brief history of little more than a century has the cry been raised for freedom; in the two latter instances, closely following upon each other, it is the voice begging for relief from its country's wrongs, first the bond-slave, now deliverance from a subjugating plutocracy. The intelligence of the wronged is happily now better prepared for self-succor; there is always a manhood which conscience may appeal to not in vain; the struggle may not be carried on by armed rebellion unless the arch-conspirators, to maintain their

supremacy, precipitate the awful crisis.

The question is often asked if already we are not at the threshold of a revolution. If the organizations for private and public rights, and the collisions in the various states mean that the inertia of a great underlying principle is roused, it means also that radical wrong is prevailing, while the casual demonstrations may be but the flurries where the friction produces some sudden local desperation. We are undoubtedly at a point when men who think alike on what is due to man are acting together. Sympathy for the wronged travels faster in this day, matters affecting the social state are given out by electric messengers, opinion soon forms. Information is spread over the land under the same revolving sun, to-morrow the public is expressing its views. With superior numbers shall there be a forearming for what these isolated happenings forewarn, or shall the cause be extended until endurance will have lost its sublimity? The populace do not resort to conflict and carnage unless the extreme point has been reached, but they are quickly touched when human rights become involved. The situation between capitalism on one side, labor and the great body of consumers on the other, presents an issue of human existence; men realize the economic problem must have a better solution, or, at least to the extent that ng must be restrained, avarice must be stopped in turning the screw of its money-press. And this may be demanded not by the socialism of Marx, the nihilism of Krapotkin, since we have constitutional rights as yet, which may be exercised before it is filtered away through interpretation, nor the anarchism of Proudhon, which capitalism itself should forefend, although the main cause for bringing it on, but in the spirit of that socialism which occupied the mind of J. S. Mill in his declining days, after seeing the one-sidedness in the teaching of the mercantilists' political economy, and as laid hold of by Jefferson and exalted in the courage and humanity of Lincoln. They see no disposition in capitalism to yield its vantage; they know avarice and fellow-feeling are incompatible; the former taking possession of the heart, fellow-feeling

and righteousness must take their leave.

That intermediate stratum, the safeguard of every country, between the two extremes of rich and poor, the great body of middle-class, as our country is assuming a class distinction, is being moved not altogether by sentiment, but by the value of an equality before the law maintained in practice, and the experience of the encroachments of a dehumanizing power-by a consciousness that its own preservation is at stake. And why not, since they are the next stratum to be subdued? This condition of affairs is anomalous in any civilized community, more strange in a democracy of the people. But the desire for supremacy is the same selfishness in its atavistic recurrences which it is the object of civilization to repress, causing as it does at various stages of human progress the cry to be raised for reform and purity in the social state. The effort at this time, differentiated in cupidity and craftiness, is the subjection of the producers, and if the end is to be averted the class which hold the middle ground and mostly producers themselves, must be the security and savior, as they have been in every movement for liberty and right. The ballot is more potent now than when reform meant arbitrament on the field of carnage, although abused to the last degree. The strength of those who suffer immediate wrong and those who see wrong foreshad

to themselves, cohering in a pure ballot, equality and right, would then control the situation. And thus armed, how many are bought and sold, the seller in general the wretch who would further sink himself in the

wrongs of which he complains!

No people were so contented and prosperous up to the time commerce was weighted down with projects at turning it into a pack-horse for selfishness, driven and belabored for the advancement of a few, and when politics became a perfidious trade. At whatever view these two forces may now be taken, politics and commerce, both divested of their high purpose and dignity in the struggle for supremacy, and as the charges are heard from the mouths of indubitable truth and intelligence, it may be understood why there should be an interdependence between them until the oligarchy of wealth is established. Special legislation and the making of plastic legislators are the reciprocal benefits; without one the other could not subsist; the art of casuistry, the science of judicial interpretation. Hence, great fortunes were not attainable until parties were corrupted; hence, government might not be corrupted until the great fortunes could influence its functions in the interest of the money-power. Begun in the manufacturing districts, where Franklin knew mercantilism takes its root, on municipal and state elections, it only took the accretion of greater wealth to inspire Congress with the plan, when now the senator or representative who goes to Washington from these districts without the approval of this power, he must be of extraordinary parts, although for some reason the country at large is seldom given the benefit of such ability. But constituencies are being disappointed when congressmen return, who, not so proud in recounting their acts of stewardship, as they are "fixed for life" in a more substantial and, to themselves, more satisfactory way. In theory congressional duties include the whole people, and it eventuates in small satisfaction even to his constituency for a member to say he had succeeded in appropriations, for his district, in which the scamping contractor figures so largely. It is a grand scuffle to get the most out of the public purse for this purpose. But this leads to another thought, yet suited to plutocracy: but appropriations serve as a show for satisfying the constituency—a temporary diversion while their true

interests are conjured away from their minds.

The time is not long in which it took these cooperating forces to make almost a complete transformation in the commercial and political aspects of the country. And the rural districts as well, especially the industries of the soil, no less are in its grasp, regulating prices, exacting a toll on whatever is produced. The neighborhood artisan and manufacturer seek other employments, a few remaining to mend and put together what concentrated labor and capital, and the protection of the latter, make so very cheap. It is said the real mechanic is disappearing altogether in the manufactures, the money grinding system having so parceled out labor that there is not a workman in one of the great factories who alone can make an article of utility. is a difference between the division of labor in its economic meaning and necessity and in dividing the capacity of the individual, selecting or requiring that faculty of him which is desired and then converting him into a machine. So the mercantile agencies would make of the commercial traveler. Every other faculty is then stunted; there is no physical or mental development in that kind of labor; manhood is vitiated. But the factory wants one-idea automatons, not mechanics who can make a thing from the ground up, since the man with a head full of ideas might develop an ability hurtful to his employer's profit on his labor. With the division of labor as it appeared in its true economic sense, probably no country has an epoch in its history which so delights the sociologist as our own.* The professions, the tradesman and banker, the farmer and mechanic, and the wage-worker, dwelt in friendly relations, and had the respect and confidence of each other. No one acquired sudden riches; the more prudent in saving had no disposition to use his wealth for vexing, nor with which to oppress those around him. Labor found employment the year round, and more * This does not refer to the amount of wages paid, but to the proportionate share in the profit of labor's produce. nearly shared in the profit of what it produced; the employer gave it kindlier thought; the dismal howl of the wolf was not at its door; it was not a mere senseless machine, driven by a boss whose brutality is but the pleasure of the master, or flung out of a livelihood at the caprice of this creature. Self-dependence created a home market; what overplus there was the outside world had to compete for in legitimate rivalry. Spuriousness, adulteration, lying and cheating, were the exception, and the buyer valued his purchase because it was branded with honest representation. Law-abiding and honorable men made such communities. Sensitive of their private rights, and looking with dismay upon the promoters of such a design, no such thing as a mercantile agency had the effrontery to invade the sanctity of their private affairs, which were open, however, in the proper manner to those whose interest gave the

right to an investigation.

But the work of centralizing labor and capital has changed this aspect. Neighborhoods do not grow so uniformly in population or prosperity as the great centers do now in population, the accumulation of wealth in the possession of a few, and in poverty. Had not the country been captured by plutocracy, the more equal distribution of labor, wealth, and consumption, would be uninterrupted; commerce more a realization of its purpose; the shoals of pauperism would not now be shivering and starving in the congested centers, pleading for existence, breeding crime in its varied horridness, producing the most wretched circumstance of national dishonor. Labor and its produce now controlled, the necessities and comforts of man manipulated in the hands of capitalism, is there wonder that seats of supremacy should be created where the price of values is fixed, any more than in its accumulation capital thus congested so outstrips the opportunity for legitimate employment that fictitious values are invented on which it gambles? The theorem is incontrovertible that, as wages go down profit goes up, as prices go down the value of money goes up in due proportion. Why should not the money be controlled also? Money is the arch-primate of mercantilism.

In the normal condition of the economic state the law of supply and demand is the true adjuster of prices. but as the situation now stands it is a canting phraseology. There are millions who would eat more, keep better housed, dress more comfortably, had they the opportunity to earn more wherewith to buy. Demand should be understood in its economic sense. the mere desire to possess, but the ability to possess at the market price what is wanted, that is, to have something to exchange, or money, which represents exchange value, for what is wanted, and generally the seller requires money. And so it is unusual when supply is not responsive to demand, but without something to exchange it is a matter of indifference whether sugar sells for four cents or ten cents a pound. While supply and demand are natural economic laws, it is the business of plutocracy to upset them in its arrangement; yet, while concentration is the order, demand deprived of opportunity to satisfy want, price for supply to the consumer must be put low or there would be none or a small quantity used. So the claim for low prices by monopoly is deceptious, for in controlling the price of labor and raw material why may it not follow its own law in lowering price all round so its supply may have a demand? Paradoxical as it may seem, poverty and ignorance are the main pillars of plutocracy, for as the working man may be reduced to want or degraded to a machine, that much nearer may a proprietary right be exercised over him as a producer. Especially may this be noticed where labor is greatly congested.

There is no telling how much truth there is in the stories told of the great employers who recoup their private expenditures out of wages or the betterment of their investments patronized by the public, as it might be done in the instance, say, when one is reported to have "turned loose over \$200,000 a month" in display*

^{*} It is estimated that over \$100,000,000 is spent annually by our idle rich and pleasure seekers, in Europe alone. This added to the \$200,000 000 taken from the production of the country to pay Europeans their annual dividends and interest on stocks and mortgages, and the millions of income sent over to our captivating heiresses, who marry foreign titles, we understand one reason why the citizen must suffer by being a producer. This total does not include the first "rake-off" from the 75,000,000 acres of the country owned by foreign syndicates—an area 2! times greater than England.

to win the sneer of a spendthrift prince. In good times the excuse for low wages is heard, that competition is so alive, to maintain the equilibrium of profit for the employer, a reduction in wages must help him out; in dull times demand is so slight, competition forcing down prices, labor ought to be satisfied with a reduction of wages or there must be a suspension of work. who have nothing but their brain and brawn, with the habit upon them of eating and covering their nakedness, may thus be forced to acquiesce, notwithstanding they have come to learn the true inwardness of such excuses. Monopoly has nothing to do with competition and individual effort but to kill them off; cold, selfish, inhuman, profit is its only thought. Doubtless there are times when it would be fair for labor to share in the results of a slackened demand or a sudden lowering of prices, but such predicament has got to be too common a plea, with one side of the partnership using it as a device for profit, while the other is fleeced out of all proportion in equalizing the alleged slackness or deficit. And there are many people who stand in their own shadow by failing to comprehend the definition of labor. Persons who should know better are of the impression that those who toil in the menial employments for hire, those who do the drudgery with task-masters over them, are the only laborers. The word is more comprehensive, and would better be understood by comparing it with its synonym, work, that work which produces what the needs of man and the state of his civilization require. Every one knows whether or not he is one of these, whatever his vocation, whether educated or unlettered, well-bred or lowly. These are the people to think together, whether, already in the wortex of the insatiate desire, or standing apart, indirectly contribute to its lust, and but as yet, they and their children are surely being drawn to the sacrifice. This intelligence and responsibility must appreciate its duty. That is, to free the country from the iniquities that grow out of and are fostered by a politico-commercial alliance in the interest of capitalism, which is neither politics nor com these terms truly signify.

Acts and menaces there are in plenty which may be made the objects of immediate repression; in this alliance there is a licentiousness of conduct that contemns any restraint of law or morals which would subdue its privileges, while gross violations may be pointed out in many of the individual transgressors. In the contests of justice the victories of capitalism have inspired great confidence, when the processes of restitution or reform come limping along, but hope is enlivened that the cause of society is better represented now; and better yet, intelligence is more united in the highest cause of society. It is more invigorated, a different vista is opened in studying the problem of human life than in the sophistries of the Economic Man, or the more unclassical self-made article. The English barons made short work of it in forcing their despot to relinquish his greed of usurpation. Their demands, however, were selfish for terms of freedom that mark the epoch of a nation's deliverance from the despotism which claimed supremacy over the persons and substance of the peo-The undercrust was shamefully overlooked, the laboring classes, which made England what it was and now is by their energy. But it was the same old intolerance of cupidity, as they were the wealthy class, reserving special privileges to themselves, the policy of which has ever been to keep the producing forces in subjection, until now, the very grievances the barons contended for in protecting their rights from a perverted sovereignty, capitalism in this country, which may be said to be their counterpart in respect to the wealth producing forces, would have this usurpation of privilege consecrated in it by special laws. Is there a divinity in wealth, whose sacrifice is human energy, and whose propitiation is labor's full produce?

But a short time ago the spectacle was presented of a similar contest, the advanced thought of to-day clashing against capitalism, personalized in the antipathic of judicial interpretation. One of these judges may have been overcome by that principle which sometimes has its reward in official appointment; and it was unnecessary for him to have wandered back in bygone times of other lands, for have we not precedent in variety, embellished with all the dicta of elastic discretion? At all events, labor rose to the dignity of being heard, when shortly afterwards, in another hearing of this kind, the rights of labor are elaborated by a different judge, who gave it a status never before accorded to it in its combined capacity. Of course the law may own its impotency, and finds its way out of the difficulty by encouraging combination to meet combination, but as the forces would thus be marshaled it is probable the law knows which side shall be beaten, as everybody else does. Great is the law. Unable to cope with one side, or unwilling, as between certain groups of contending economic forces, let dog eat dog, but knowing which dog will be eaten. The law will be at the obsequies if

possessions are involved.

The proposition is now a very plain one. However much we may deplore the cause that arrays one function against another in the social state, if labor and capital are made antagonistic by the low designs of avarice, capitalism, "working uniformly in the direction of private gain, without any regard to the good of others or of, the community at large," when it begins its palpable and degrading wrong on the individual in its employment, thus far he has no redress but such comfort as he may find in pooling his wrongs with those who have been treated in the same way. The step is indicated; the law is only able to say he may remit himself to his certain right; in his contest he must be self-dependent. It may be startling, but capitalism has so mastered the situation, the people may only remit themselves to their certain right of meeting - combination with combination.

The remarks made in private by a senator of the United States in the presence of a representative of a leading journal, in no small degree emphasize the situation. This man, with his personal impress upon all the reconstruction legislation since the war, while he spoke the plain truth, may not some of the shame be upon him for not standing up in the body he could adorn more grandly, and in the language of misrepresented Danton, dared, and again dared, and forever

dared, to warn his countrymen, who realize just what he said, and suggest for them a redemption? Said he: "Our country, its destinies, its legislation, state and national, are all in the hands of aggregated and combined wealth, with no other object in view than the increase of its own possessions and the more complete enslavement of the people. Who, I say, are the people who have been and are amassing millions by traffic and legislation, who run everything? What services have they given their country, either in the field or forum? Like their ancestors, if they had any, or their prototypes in all the period of our country's history, whether in war or peace, they have never lost sight of the one purpose which actuates them to fasten like leeches upon the industry and labor of the people. They have the country in their remorseless grip, and the grip will be drawn tighter and tighter, unless the energy of desperation breaks it loose."

It is understood this senator went so far as to name more than one of his legislative associates as a part and parcel of this combination of wealth. With over a million of workers out of employment and practically with no means of support, here is what the governor of the leading industrial state in the South had to say: "Many thousands of those who are at work are making a scant living at the greatest possible personal sacrifice and suffering. So widespread has become the discontent of the American people among mechanics. artisans, tradesmen, farmers and others, that statesmen and philanthropists are beginning to inquire into its causes and the remedy. No man can look upon the surging among the people and not hear the mutterings that forebode revolution. This revolution must be social and economic. Society with us has gone beyond the American idea, and on all sides we are ostracizing the poor and respectable, while we elevate the rich, who are often dishonest and thieves. To occupy place in the foremost ranks of these times men must have money, large money, bonds and collateral, regardless of brains and character. The masses of the American people will never patiently endure the superiority

conditions now seeking to diminish them socially, and they ought not." A Colorado senator of the United States writes to a citizen of his state: "I myself believe the present dreadful condition of our laboring and producing people is the direct and immediate result of bad legislation already on our statute books and other that is threatened, but I have no hope of immediate legislation that will give the required relief. What will happen in the near future I cannot see, and believe for my peace of mind it is well I cannot." An ex-United States senator, who probably has had as great an opportunity for knowing the methods of capitalism as any humanist who has looked into this feature of government, declares: "As one private citizen might speak to another with reference to the public welfare, there is at this time greater destitution, hunger and starvation, and more men out of employment, more tramps and beggars, and more sorrow and wretchedness than was ever before known in this country in time of peace." A foreign newspaper in commenting on the decrease of emigration to this country tells the plain truth in that "the omnipotence of capital in the United States has grown into an almost intolerable tyranny, and has driven the farmer and the workman to the wall." Meaning capitalism and its emissaries, a western divine says our woes come from the District of Columbia, where, a Southern observer of the times tells us, no man who exposes corruption and extravagance has any social or political standing; everything bought or sold and traded for there. An Eastern clergyman, who is said to have the largest congregation in the country, deprecates the fact: "We have long had great combinations of wealth corrupting the government-municipal, state and national-for personal ends." Justice Field of the United States Supreme Court tells us that threefifths of the wealth of the country is held by corporations, while his associate, Justice Brown, says:

"Probably in no country in the world is the influence of wealth more potent than in this, and in no period of our history has it been more powerful than now. Worse than this, however."

bination of corporations in so-called trusts

bination, stifle competition and mo-

nopolize the necessities of life. The extent to which this has already been carried is alarming, and the extent to which it may hereafter be carried is revolutionary. Indeed, the evils of aggregated wealth are nowhere seen in more odious form."

And who own the combinations of wealth, and the trusts and monopolies? Now, all these views are mere statements of fact, and being stated by such prominent men, the inference is, such conditions ought to be corrected. The resulting implicate is, How is it going to be done?

Verily, our vaunting E Pluribus Unum is an imposture, since alone the chief functions of our national prosperity have become so antagonized by the corruption of wealth that our social and economic constitution is perhaps the most debased among the civilized nations of earth. As to the servile coordinate which is paraded to the front to conceal the power behind, the Western moralist was happy in his homely advice. "If you ask," said he, "for a Democrat or Republican you had better say you want a Northern one, a Southern one, an Eastern one, or a Western one. They are so different in their make-up, none of them have anything in common, yet all come out at the same door in the end; but if you don't ask for the article you want by name, you may have the wrong one shoved off on you." He might have added, "If you want the most influential one, irrespective of party, you had better take the one who has the sanction of combined wealth behind him." Yet, what cajolery, and charges and rejoinders, the two great parties resort to in their conventions of assembled statecraft! The presiding officer of a Republican convention, who is an attorney for capitalism, said, in denouncing the Democrats who are controlled by this influence, that "instead of wealth and happiness the people are overwhelmed with poverty and misery. Instead of reform legislation we have a legislation of iniquity dictated by powerful trusts and monopolies." On the other hand, at a party gathering, a Democrat rejoins: "The people found that their interests were betrayed, and their temple dedicated to good government, just and equitable legislation, had become a den of thieves. Tariff-fed monopolies brazenly dictated the schedules; though greater sums were wrenched from the people, they did not go into the treasury of the nation, but rolled into the maw of the protection octopus as the price of serv-

ice to the Republican cause."

With what the moralist has said in connection with these two very precise charges the lottery becomes truly a difficult one to the suffragan in drawing his prize. But it is as short as it is long with him, for he has some time since discovered that, whichever way he draws, either is as liable as the other to come out a blank for him.

The result is, that "nine per cent of the American people own seventy-one per cent of the property in the country, leaving but twenty-nine per cent to be distributed among the remaining ninety-one per cent of the people. It is that nine per cent of moneyed men who govern the country and dictate its policy. There are seventy estates worth in the neighborhood of three billions of dollars." This testimony, compiled from such facts as are available to social writers, should be enough to startle all the governors, senators, judges, clergymen and others who have compassion for man, and the smallest regard, as it now is, for the honor of their government. But in all this, can it be said that all the legislators and judges, and all who own capital, belong to this influence? It may not be thus supposed when we hear the acrimonious charges in the legislative halls, the clear pronouncements of justice from the bench, and see the ways of the man of thrift and fair dealing. No, there are as noble men in these stations at this day as the world has ever loved to honor, but they are feeble before the power, as they suffer no less by the wrongs of the camarilla of selfishness. Surely the time is ripe for leadership.

"It's against the law, the law says so and so," say those who mock at the idea of reform. The unselfish but serviceable statesman, forever in the race after office, when driven to extremity, and many of those on the bench, devoting their time to unearthing special pri

ciples of law, after exhausting their own robust views, each in his characteristic fashion, falls back on the clincher, the constitution too says so and so. No doubt the law and the constitution too do say so and so, as they are interpreted to fit the special case, but this is among the very things reform is after. In truth, it is the fundamental thing, for there is a weariness over the one-sided practices by which the great majority is left out—the punitory aspects reserved for them; and the everlasting gratuity that the law supervenes has become irksome when nothing more is asked than that an equal law should supervene. Under the constitution and laws it is asked there be no division of the people into sheep and goats, the sheep securing the favors as of a partial father. There is a desire that both the law and constitution shall say so and so, but the desire is that the people as a whole may participate in their favorable regard, and no part of the flock be singled out as deserving only the bad—the penalties, when a sheep's license conflicts with a goat's right.

And the poor old constitution of the fathers! What a backney it is in the hands of demagogy, and the hired talent without public virtue! The older it grows the more bedraggled it is, until now the question that remains is whether it is barren, or fertile only in the embrace of its defilers. Yet, we are further assured it is a mere trap if its spirit is not adjured, while others warn us it is a terrible avenger if more than its prescribed letter is followed. It is quite likely the moral tone would be refreshed and patriotism revived were we to imitate those constitutional governments which have no written organic law. Nations outgrow fixed constitutions as man outgrows childhood; the past is inadequate for the present. If we must have a written constitution it would seem each generation could best formulate its needs, taking from the old what is adaptive, and adopting anew what the times required. If corrupted it could last not more than a generation; and at the stated periods of change and readaptation woman could have a succession of opportunity to gain admission to its ordinances. The God of right would

probably appear in spirit if not in name to welcome her. But already, are we not ruled more by an unwritten constitution, that is, by the restless spirit of the present one? And yet, were we ruled more by the spirit, not that of a fixed constitution, such as we now have as the handle for sophistry, but by that one of humanity, which was thought to have been idealized in the present one, the equal rights of the citizen would have a fairer interpretation. As the living is better prepared than the dead for prescribing its rules of conduct, it were better to throw the old landmark aside, so compliant to a few, so misconstrued in the interest of later generations, so misapplied, than to have it made the harridan for the combined lust and jugglery that revel on its bosom. Then again, a mere medium to mesmerize and confound; a monument whose epitaph is written in the letter and spirit of departed virtue. A variety of interpretation and contradiction founded on it; and to hear the ponderous discourses of its purport, were the technology not that of law, one would suppose some vague speculations were materializing to confuse further the meaning of a newly discovered ideogram. courtesan to the highest bidder! what a protean object with its five and ten-tongued passion of blood and fire, whose crimson rays shed luster only on the past, whose flickering light outlines the dread shadow of the present! what a complaisant conjurer, sure enough, the poor old constitution has got to be, under the dogma of plutocratic sway!

But in the mysterious working of statecraft, there must be an esoteric to veil the assumption of the powers that be when it becomes necessary to hoodwink the people—a priestcraft in government, apart from and superior to those who may enter no further than the outer circle. Cæsarism proved to be the esoteric of the Roman republic; our republic has its plutocracy that performs the mysterious rite behind the inner veil, the one militarism, the other the power and tyranny of combined wealth. Cæsarism despoiled a people of their government. Is plutocracy less selfish? Or can it be actuated by motives not of its nature, the im-

provement instead of the spoliation of man?

CHAPTER V.

THE original sentence that man shall eat his bread in the sweat of his brow, is of no force or effect with capitalism, which is rather the effectual invention "for fertilizing the rich man's field by the sweat of the poor man's brow;" while its helpmeets that are employed to find out where this fertility may best be utilized, the sentence neither applies to them. There is a mutuality of exceptions and protections which must subsist between it and its agencies. After a government of its own, plutocracy, in fact, drifts in the direction where its reliance in no small degree must find support in the spy system. The police of the states being inadequate for the suppression of the railroad bandit, fearing, however, to call on the general government lest a step might be initiated towards government control of the railroads, it is understood private spies and detectives under the secret sanction of government would be used in the protection of this interest, just as other private systems of espionage should be upheld by law. This function of government, in the preservation of law and order, capitalism would have turned over to it to serve its own interests. How rapid may the approach be to that stage which has precedent in the history of the French, preceding their explosion, when wealth and privilege had its hand and eye on the person and occupation of every citizen? And yet, in the day of the Empire, there was one man that had the fear of Napoleon—Fouché, the velvety tyrant at the head of his spy system, who "took care to lend additional appearance of necessity and value to his services by a continual supply of fomentation."

Instead of being parasites that sap and corrupt the course of commerce, the mercantile agencies, as

branch of this spy system, claim they are its necessary aids; and as private organizations, independent of all law not its own, if they but have the sanction of that other law, as it is commonly understood, it must be in derogation of that private right belonging to the people they act upon, but who know little or nothing about their operations or the secret effect upon themselves. Necessity is the mother of invention, but sometimes we see an object that has an interest to subserve inventing its own mether. The effects of a spy system may be felt most acutely, yet from its very nature the cause is difficult to learn, or if learned, redress is almost impossible, as the hand or tongue which works the injury may be concealed forever. The special interest which it serves of

course makes no disclosure.

The favorite claim is that they promote and protect trade. As will be seen, however, it is a claim which has been set up with much adroitness that the public may be blinded to their work and misdoing, and under which the attempt is made to give them a legal status so some principle of law may be invoked or invented in their favor, when called to account for the wrongs they have been caught up with. And relying on this subterfuge, they set themselves up as censors of the people's industrial and private life, since what they do is so intimately an intermeddling with the personal conduct and business affairs of the individual. They are unable to do what they pretend, unless the most sacred rights are invaded. In law, commonly known as such, this may not be done unless the individual is charged with crime, and then the invasion is done openly and in conformity with prescribed rules by those who are clothed with the authority. To this the mercantile agencies are estopped from answering that no one is forced to comply with their demand for statements, for when these demands are made each one carries an implied threat. The language used is practically the same, viz.: their subscribers ask for the standing and reliability of persons, and without whose statements some difficulty is encountered in furnishing the desired information, as to what they own and what they owe. Then the intimation is given, the information will be got concerning their standing whether the statement is made or not, and to give the screw another turn, the suggestion is thrown out that a refusal to make the statement will operate against their credit, as the trade has come to the opinion that such refusal is tantamount to an admission the person or firm or company in question is not in condition to make such a statement as would justify credit. But, to set this point at rest, by far the most of their work is carried on without the knowledge one way or the other of the persons affected

by it.

Arbitrarily putting in vendible form what they gather, it is thus seen they practice a censorship of secrecy, using the name of trade for their exactions. which no man of spirit would assent to whether he asked for credit or dispensed it. Yet with such a demand upon him, knowing the nature of any secret inquisition into whose hands his name and reputation had fallen, the sensitive or timid man complies quickly before an informer, possibly his enemy, perhaps the most ignorant man in the community on such subjects. sends in his opinion, which will be shaped up by a mechanical intelligence for publication as an index to his personal and pecuniary standing. It is folly, however, for him to imagine that what he has said of himsolf over his signature in respect to what property he owns and what debt he may owe will be taken as final, for at last the very instrumentality he has dreaded, the secret informer, passes upon not only what he has said of himself, but determines his character and habits, and his business capacity, when no doubt he comes to realize that for some reason persons at a distance have false ideas about him. To be sure, a large number pay no attention to these demands, but then the informer, in some position as reporter, is always in requisition, and he has full option to say or suggest what he pleases.

For fifty years the mercantile agencies have been striving to build up a law unto themselves, and in proportion as they have secured judicial expression, em-

ploying for its direction the shrewdest talent that money can procure, they become more and more arrogant. And yet, for reasons that are plain, they do not wish to have their methods scanned too closely in their lawsuits, in which, it may be remarked, they are nearly always defendants, preferring, as a general thing, any rights of action they may have to go by default to a scrutiny of their methods; nor, unless defensively, have the courts made any attempt at an elaboration of their merits as a lawful business. Still, under the disguise of being agents of those to whom they sell their commodity, they lay their malign hands on commerce, extracting from it a heavy tribute for detecting those who are engaged in it, while their interest in commerce, or those whom they detect and report, does not occur in the remotest degree, further than the sale of a commodity procured by such work. Admittedly lawful, for argument, from their very methods and lack of interest in true commercial conditions, it is impracticable for them to be reliable in their article of sale, as credit seekers and credit dispensers have found out.

Perhaps the courts have been waiting on legislative action, instead of taking the lead as to their being against public policy; yet in their suits there have been courts, aided by legal adroitness, who have attempted to weave around the mercantile agencies some of the most remarkable fictions that darken our juris-But when it shall appear to the unbiased judicial mind they are nothing more nor less than traders, albeit in an unlawful occupation and clearly against public conscience, the fictions they hide behind will be dispelled promptly. Like traders, they collect their commodity irrespective of the immediate wants of present or future customers; handle it solely for profit, a large one at that; are constantly soliciting buyers; produce their samples and set their prices. It is this fact of their being principals, organized concerns with heads carrying their stocks in trade, which they strenuously avoid in having it called; and when hauled up for accountability the first step is to cloud the title of the business. Agents only for their customers, how can they be held responsible for what they do? Does not the style of their business, "Agencies," denote they are only agents? Nevertheless, traders they are, in an unlawful commodity, enriching themselves at the expense of commerce, adding millions to the burden of the consumers of the country without benefiting them one jot. On the other hand, what are they capable of doing? Their maxim is, special interests should be promoted at all hazard, while their depredations and oppressions must be condoned by the principle of their being agents of chosen beneficiaries. As has been aptly said, taking possession of the reputation of men to trade on, they are paramount in avarice and tyranny; and having, in their imagination, it is to be hoped, built up a system of law peculiarly their own, they are paramount in the comfortable feeling of safety from the results of their acts. Hence, a state of inquisition has grown up, in our social and material life. which is the unmatched instrument in the usurpations of capitalism.

While investigating the mercantile agencies in so far as they pretend to be sheltered in a number of judicial expressions, one who is not versed in the circuities of legal casuistry must labor at a disadvantage. But at last there is satisfaction in knowing that law is nothing more than what common sense has put in motion as rules of conduct, unbiased and unprejudiced; and however the nimble wit of the profession may attempt to mystify it with fiction and technicality, these are brushed aside after all in the light of common sense and common right. Perhaps if the courts were to desist from aiding the gentlemen of the bar in weaving false theories out of principles which are founded in right, there would be less employment for them, as certainly there would be fewer miscarriages of the

plainest demands of justice.

In the interest of the mercantile agencies there is a volume, small because there is so little to be said in their favor, and because the juridical "leanings" are so few, entitled "The Law Relating to Mercantile Agencies," The author, Joseph W. Errant, says it is about the same of the same of

all the law extant on the subject of these institutions. The book is, however, a mere compilation of excerpts from a number of court opinions, interlarded with the author's views, though this country, England and Canada afforded him a wide range for investigation. His effort is to show that the mercantile agencies are the agents of their customers; that their communications to customers are privileged; the effect of representations made to them, that is, those who make statements to the mercantile agencies raise their liability to those who buy these statements, after alleging credit had been granted on the faith of their truthfulness; and that the mercantile agencies are not responsible for their acts, as provided by contract with customers, since by certain interpretations of the law they are released. The English opinions are old ones, enunciated before such a thing as these inquisitorial systems among us were thought of, but to which he goes, in main, for his principle on which to build his theory of agency and privileged communications; a decision in Canada is his reliance for showing the nonresponsibility of his clients unless each customer is sharp enough to have a formal understanding in accordance with the Statute of Frauds and Perjury every time he makes a purchase. This author does not handle his case in a masterly manner for a special pleader, but this may be owing to the weakness of his cause; yet his hardihood must be considered of that unabashed nature when he puts forth his strange conclusions and barefaced assumptions as a textual guide. And still, he must be the ablest on his subject, as he won the competitive prize, presumably a handsome one, as such law as could be made to stick would be well paid for; while he says of himself much time and labor were spent at his task in the interest of all concerned, receiving himself great instruction in the interesting pursuit. The outcome was highly pleasing to this legal doctrinaire, and, doubtless, to some at least of the parties concerned, in whose interest really the book was compiled as the law.

He launches out with apprising us that the mercan-

tile or commercial agencies are establishments which make a business of collecting information relating to the credit, character, responsibility and reputation of merchants, for the purpose of furnishing the information to subscribers. As such agencies they have become recognized and permanent adjuncts to the world of trade and commerce; the community cannot do without them. This latter is precisely what the mercantile agencies would have people believe; and embodied in positive law or founded on a line of accepted judicial precedent. only their advocate should have been broader in his claim. For in soliciting customers, not only do they allege to furnish information relating to the credit. character, responsibility and reputation of the merchants of the country, but the range of this information has no limit, since they will sell a report of the reputation of any one on short notice for the price, embracing all these features, "from a Chinese washerman to a Vanderbilt." If this claim for their performance were left to some of their customers, or those who use the mercantile agencies for dishonest purposes, no doubt it would be so recognized that the law of the land with a favoring smile had extended another hand of special aid and protection. But the hundreds of thousands they toss about in secret, whose character and responsibility they fix arbitrarily and set a price on, making a traffic in whom as so much merchandise, should not ask where they come in under the dispensation of this beneficence. Unhappily, they do not belong to the right class; they are the ones who are provided specially for the feast of the other class.

Each one of the two leading mercantile agencies claims to publish the standing of over twelve hundred thousand names, including Canada and some of the adjacent islands. The great bulk is of those in this country. Estimating they have 25,000 subscribers each, the estimate being fair that half of this number take both, it will be seen that the credit, character, responsibility, reputation, etc., of the great body of people who are not permitted to know the contents of the reports of themselves, in fact, largely are unaware that

such reports exist, or that their standing has been fixed for them, but are made the subjects of this traffic to some 37,000 customers, who embrace the "world of trade and commerce." These but represent the names published in the books, but when the extended reports are considered, the whole population is their oyster which they ope at will for the meat there is in it. In his labor of love and justice, Errant is afflicted with the common short-sightedness of his clients in failing to see the rights of the unforgotten millions. But why should they have any rights in this respect, when they are reserved for his fortune and character anatomists to fertilize their fields, when the produce is magnified before the law as a valuable and "permanent adjunct to the world of trade and commerce?" In the ordinary notion, as these people whose inmost rights are turned into a commodity for the benefit of others, they should have some liberty or say in the matter. But no, mercantile agencies do not bother themselves about the ordinary notion of mine and thine; a patent money-making process being more blessed in their walks of life than any unpractical squeamishness over the moral code. The community cannot do without them! What brazen assumption! What deliberate misrepresentation of man's nearest responsibility to himself! The acme of arrogance! What community has not felt the degradation of this espionage? Those who wrongly have been refused credit on its account; those who have lost of their substance because misled by it.

Our author says further: "The responsibilities of these agencies are very great. Upon them the merchant relies for information; character and credit depend upon the care with which they perform their duties; in many ways they are influences for weal or wee." Of itself should not this statement be sufficient to condemn the mercantile agencies? A free people, living under a law, presumably for all alike, having their characters and reputation set for them by secret private agencies, whose work is to exploit character for their own profit, and the 37,000 who buy their commodity, but in many ways they are influences for weal or wee. In writing a

book on law it is a great misfortune that "the habits contracted at the bar, where advocates contend for victory without being scrupulous about the means," should attend the author. With such deliberateness, intended to influence persons in their calmer moments, there is no palliation for the attempt at undermining the virtues necessary for the support of a social fabric. But in the attempt of an author who contradicts himself that he may mislead, his work reads its own sentence. After all this necessity and performance of a self-imposed duty we are informed that the mercantile agencies relieve themselves of every responsibility as the law permits, which is condoned on the ground that the work is is of such a delicate nature, and the dangers of committing error to which it is exposed are numerous. they do use every means for relieving themselves there is no doubt, but there is no lawful business, after the commodity had been recommended and sold, which would be permitted to ban its responsibility by appeals to the law or by its own act. The truth is, the mercantile agencies have no reason for believing themselves in the quality of the article they sell. And on reading the terms of agreement with customers it will be seen that they do thus relieve themselves by their own act; the wrongs committed shifted to the shoulders of the employés, correspondents, etc., but who are not to be exposed; and thus alone, is it reasonable to suppose they have belief in the reliability of the article they sell. How remarkable the claim, when in credit transactions all reasonable doubt in the prospective grantee should be removed, and yet these "adjuncts" pretend to give the information on which such action may be taken, but intensify the doubt by declaring their nonresponsibility for the truth or falsity of what they report!

But there is a mistake. The merchant nor any one else of business discretion relies on this class of information; and if our author has a better head for employment in the field of commerce than he has for defending his professional propositions, he could better adapt himself for that pursuit by a familiarity with the tr system of credit negotiations. As to the care with which the mercantile agencies perform their duties, more hereafter, as well of the persons they employ to perform the delicate duties for them. Well may it rouse from their lethargy a people who are under these inquisitorial systems to hear it attributed to such work that it may exercise an influence for weal or woe. This may be a threat or subtle inducement, for it is not known in what manner they may do for the weal of any one they report, unless it be those dishonest ones. with their own object in view, who make false representations to an irresponsible medium for others to act upon. And from another point of view. No one can say that a people, who make it necessary that such a system should be placed over them, occupy a high place in the ethics of business dealing, but it must be a country where swindlers and sharpers abound. When the mercantile agencies declare openly that it is their business to detect and report this class of people; then. when they give evidence of reliable work and hold themselves responsible for what they do, they might be licensed under defined limitations. This done, their influence for woe would largely be abated; their wrongs, or called by what metonymy they prefer, would be fewer: the honest and responsible would not have their reputation on sale along with the black-lists of the rogues of the country. But as now, without any restraint upon them, the rogue is just as likely to have a better report made of him as such men. It would be interesting to note this learned writer's unbelief when told that over ninety per cent of the business of the country is done on confidence, and that the customers of the mercantile agencies are interested only to a limited extent in the aggregate; while, if he were told it is the belief that of the losses incurred by granting credit they are heaviest proportionately among their customers, he would certainly interject a tragic "Impossible." And yet when the methods of the mercantile agencies are considered it is quite reasonable to believe it. When credit becomes a speculation, a mere matter of hit or miss, with the expectation of making up the misses on some one else; when our annual fail-

ure waste, unheard of before in the annals of commerce. is computed, we are not far off from one part of the explanation. If it be admitted these customers are interested to the extent of ten per cent in the business transactions of the country done on credit, can it be explained how the ninety per cent manage to get along without the "necessary" aid of the mercantile agencies? Is it not true that the greater portion rely upon suggestions of their own, the only true aids recognized by intelligent men of affairs in seeking credit information, and as such is recognized by law? The manner of these is founded in human inclination, for men who act on their own judgment are more prudent; whereas, a customer who subordinates his judgment and his proper method, but anxious still for profit, he must speculate on the reliability of his mercantile agency reports, the sources of which he knows not, while the only personality he knows in connection with them he has released. Thosa firms and companies that repudiate the methods of the mariantile agencies do business on a plan which gorrangumla with the idea of legitimate information. implying a more reliable research as well as a thoughtful rogard for the rights of others; and were their methods more generally followed there would be less failures to record, the range for the operations of the swindler and liar be more circumscribed, while the tax of millions would cease, levied on the great body of consumers for maintaining the mercantile agencies. This would be their enthanasia, lest the legislature shall be compelled to take hold of them. The investigation of credit, responsibility is delicate, as it is a prudential piece of work; between those who are in course of dealing there is no place for the uninterested but officious arbiter only for his pay, who yet represents but one side, and in secrecy; those who ask for credit are entitled to the highest consideration from the intelligence and courtesy which should characterize its concession or declension. And when the office and value of credit information is properly appreciated, credit having become the necessary adjunct of the advancing needs of civilization, it will be appreciated also that those who ask for it do not

relish the return of subjecting them to an espionage. Honest men will rebel against being treated as swindlers and liars, as inquiries through these systems in respect to their moral and pecuniary worth imply that, in seeking credit, may they not be laying a plan to commit a roguery, since the meaning of espionage is that the person under its shadow is either charged with an offense or is suspected of planning one. But it should not be altogether surprising that, unconsciously to themselves, men's names and reputation are hawked about for money, for is not this the age of "shrewd business talent," which employs any scheme that pans out the almighty dollar? The truer solidarity and fairness, when personal judgment and selfreliance make the foundation of the business house, the mercantile agencies would supersede in the administration of credit, thus forcing to themselves the supports

which contribute directly to their opulence.

We are further informed by this author, that "his labor has shown him anew the elasticity of the principles of the common law and their power of adapting themselves to the varying demands of civilized life." In the name of the civilization on which the nineteenth century is about to close, how it would be defamed by this effort at manufacturing principles of law and morals, for sustaining a work that starts out on the proposition that its social and industrial organism require, as a functional part of its well-being, these systems which strike at the very root of private life in their self-seeking insolence! The common law! another handle for the sophist. Yet it is known this law of reason would countenance in any principle of civilization no such work as the mercantile agencies are engaged in; and the attempt to extract therefrom principles on their behalf in the face of indubitable negation, is going beyond the bounds of professional duty even for an advocate who contracts his habits at the bar without scruple. An assumption most remarkable. There being no statutory recognition of them, at all events principle must be got out some judicial expressions to stand on to fight his good fight, and the common law made his sponsor. But by no stretch of the imagination can the rules of the common law be interpreted so the country may be thrown wide open to these establishments, as to the contrary they indicate this law would shut them out tight, and forever. This is not the time for the vermiculate advocate to impose his dicta on civilization: the results of this issue are too far-reaching; yet the varying demands of civilization do require the law's elasticity in the interpretation of its rights, but not so stretched as to shield the wrongs while promoting and protecting the good. And, too, the intention of this elasticity is to invent remedies, without departing from principle, with the same facility that the ingenuity of man invents wrongs, although the effrontery is never wanting that a principle may be invoked because the law does not declare expressly the wrongs to be illegal. But this is not the notion, for the time being it is to be hoped, of this advocate in the discharge of his engagement.

These four chief claims which the mercantile agencies have long striven to crystallize into law, and to effect the object a number of extracts from court opinions, which may not be respected to-morrow, are set ont. The head and front is that they are employed only as agents by those who buy their commodity, which, however, at all times they are exclusively at work in collecting for a stock in trade, on their own account, and for the "principals" that are to be as well. In this lies the plain statement of what they do; and the sophistry that they are not principals of their own work, but agents, is in order that they may avoid the responsibility of their acts. No distinction is made as to whom they report, nor in their customers if the requisite agreement is signed and the money paid; in general they have on hand the commodity to the extent of the quality they sell. Next, in establishing that what is communicated in their reports-their article of sale-is privileged as against those they report fally or otherwise; they would then show that a ment made to them, a copy of which they had a customer, should have the same effect in law

made directly to the customer interested in the maker's condition; when lastly, pari passu they would relieve themselves of all liability to their customers unless they bound themselves specifically on making each sale.

It should be constantly borne in mind that the mercantile agencies have no interest at stake in those they report, in the sense that a business transaction is involved which prudence would suggest they should investigate for their own protection. The collection and transmission or sale of the matter of their reports is simply a traffic; they care nothing for the personality in them; know nothing and have no interest in knowing anything about the subjects; they pluck the apple from the owner's tree secretly, with no regard for the

tree or the rights of proprietorship.

Collecting and communicating this character of information by private methods appears to have begun in Great Britain in the first quarter of the present cen-There, however, the object is still only to discover and blacklist the "swindlers and sharpers," which lists are prepared by and for the exclusive use of the societies of traders in mutual protection, the information supplied through their own methods. No pretense is made of reporting the standing of everybody. The societies select their officers, the expense is met by a small subscription, and trafficking in such reports is foreign to the object in view. The members are engaged in lawful trade, and as they have experience with sharpers and swindlers, or are warned, they simply report the information to each other for mutual protection. The great organizations among us are in the business specifically, and they do not confine themselves to the sharpers and swindlers; the field is open and too fruitful to be confined to one class; the more reported the more money; the borrowed idea of protection against a criminal class they use as a slur on the whole community. The associations in our smaller business communities where the retail merchants communicate with each other who are behind or do not pay their bills, resemble or foreign societies, and yet, by their

novel methods they but indicate the tendency to introduce the spy system in every department of affairs where the element of confidence enters. It is simply the mania for money-getting and the resultant of speculating on credit. When a merchant is in daily intercourse with his patrons, in position to observe their coming and going, and has to resort to the secret process of pillorying them should they fall short of what his inclination has led him to do, it seems it is time for him to confess that he has gone into an occupation for which he is not fitted. But so anxious is he too for the palliative of all wrong that he must trust to luck in selling his goods, but should the buyer prove unable or recalcitrant when pay-day comes he would thus take his revenge on him for his own unbusinesslike or avaricious conduct. It is no excuse for him to say he was led into selling by promise on the one hand, or a dislike to be disobliging on the other, for the man who would blacklist another, with no evidence against him of intentional fraud, on account of a business transaction, he has in him the qualities of a money grinder of the most revengeful spirit. And with such evidence is the law inadequate? He would not be so charitable to himself as to admit he had overreached his own deficiency, and then pocket his disappointment. The very business he embarks in presupposes he is counted among the wide-awake men of his community, and to avoid the accidents attendant upon it is the first requirement on his sagacity. Besides, business has nothing to do with charitable sentiments; selling goods is for profit, which is the mainspring of commerce; and making up for losses on others is extortion, which is one of the most vicious wrongs upon trade and finance. If benevolence is the motive for selling on credit, profit the object, the account should be charged to profit and loss instead of to the buyer; and still. there are men of the most successful business attainments who are honorable and do noble deeds to which they are moved by the tenderness and greatness of their hearts.

With respect to the mercantile agencies, so called, the

avenging Nemesis appears in her dual role. in hand, she warns against the evil of these organizations; with balances she weighs out retributive justice to the commercial traveler who, in the person of a man named Church that prospered in his profession of commercial traveler, first gave the cue to Tappan. We shall see how the mercantile agencies spoke thenceforward. through their organs, of the commercial traveler, that his profession might be robbed of its chief dignity. Church traveled out of New York City. It was his habit to make notes of the standing of merchants in the district he traveled over-hearsay jottings-and on his return he would disclose what he had gathered. This resulted in his employment by a number of New York houses to travel over a particular territory to collect such notes of persons as they were interested in, which were communicated to them alone for their private use. In 1841, Tappan, no doubt seeing the profit in such work, departing from Church's plan of personal visitation, inaugurated the present one as followed by the systems in this traffic. While at intervals, as they continue to do, he sent out men to collect these notes, he steadily added to his list of local correspondents, until now, the great bulk of the mercantile agencies' reports is founded on what these people have to say about their neighbors. Gradually planting their branch offices in the principal cities of the United States and Canada, with a district attached to each one, which "operate" the correspondents in the "jurisdictions" so attached, they have now extended their operations to several of the European countries, Australia, and New Zealand. Not only do they strive to mold the law in their favor, but no opportunity is let slip for molding public opinion. For this latter purpose the daily newspapers and trade journals are their chief instruments, which in general are those published at the great centers. Why these instruments are selected is obvious, as they are read by those who uphold them, the body of people which serves them for another purpose but whom they do not serve, it is policy to keep in ignorance, or more to the point, let them wonder at the mystery of their work.

Here is a journalistic puff ten years after Tappan had launched out. Hunt's Merchants' Magazine for January, 1851, says: "Immediately after the terrible mercantile revolution in 1837, when our whole system of internal commerce was prostrated and nearly all its operations bankrupt, this agency was planned and put into operation, as a remedy for some of the difficulties which had just been so heavily experienced. Its design was to uphold, extend, and render safe and profitable to all concerned the great credit system on which our country had thriven, doing business to an immense amount with all the world, and using the capital of the world to do it with." This magazine was published in America's metropolis of trade and finance, and judging from its title, it was read by the class of people Tappan had his eye on for revenue. As the magazine does not state the cause of this terrible prostration, more terrible ones recurring since the mercantile agencies started out with their design, it is not explained what figure they cut in these calamities. But more on this point hereafter. A flagrant puff it is, an abstract assumption mingled with some statement of fact. purpose is to bring commerce under their influence for weal or woe, the question is yet asked, What remedy can the mercantile agencies offer for preventing the panics and prostrations, further than to release their tax upon commerce, and cease from their meddling in the affairs of those who are engaged in it? What interest have they in commerce? the meddler mars; many prostrations and bankruptcies may be laid to their door. Since that puff was written how have they remedied the succession of terror and paralyzing effects on commerce, such as the country had not experienced in the previous ones? With due regularity they publish in the newspapers notorious facts, giving some figures in which they do not agree, while from their barometric readings at speculating on the future of business one would suppose they lived under the influence of different atmospheres. Meanwhile, from the evidence in respect to one of them at least, the profits of the work should be satisfying even to the most gluttonous appetite for money.

They live and thrive best at the centers of capitalism, but everywhere they lay their malign hands on the pulse of commerce; they have the hardihood as yet to make not more than sidelong criticisms of the legislation of the country, when capitalism suggests that certain legislation should be wrought. In the days of Tappan, money flowed into New York as it does now; he would increase the tide by influencing the commerce of the people, whose fatness he would spy out through his emissaries; in his day the beginning was not the end, the end justifying the means when wealth is the ideal

and money the deism of life.

To fortify his position, Errant copies from the Cyclopædia of Commerce, published in 1860, to-wit: "A comparison of the system of the mercantile agencies with that of the commercial traveler, which it superseded, is much to the advantage of the former, as regards the item of cost, as well as information. From a large dry goods house we learn that in old times its expenses for travelers counted by the thousands, and that it was, to a vexatious extent, in the power of clerks, who were anxious to make sales, and whose good opinion was too often won by civilities rather than by responsibility. Now it holds an efficient check upon its salesmen, who travel not to choose customers, but to make collections and obtain orders." It should be noted that this laudatory article appeared in a sort of textbook for the edification of the princes and captains of trade and finance. It could not have appeared in a better medium for answering the purpose of the advertiser. The syntax, however, hobbles somewhat in the sentence which hits at the commercial traveler the hardest, and for the benefit of our law writer who uses the article for an object, words of the strongest import will be supplied to suit his case, making it read: That it was, to a vexatious extent, in the power of clerkscommercial travelers-who were anxious to make sales, and whose good opinion was too often won by civilities rather than by responsibility, to make bad accounts. This, it would seem, was a gratuitous thrust on the part of a business house at one of its main supports

that its words might serve the mercantile agencies. An aspersion it is against the honor and sagacity of a class of men, admittedly wide-awake and intelligent, who give impetus to commercial intercourse. Engaged in an honorable calling, they are necessary to commerce in distributing the productions of the world, as they are the instruments who so considerably equalize and maintain the employment of its productive forces. The profession was called into use long before the mercantile agencies were heard of, and it will remain with the advancing demands of civilization when the hostility to the spy system will be read in history as an uprising against a curious infamy of the past. But this was a vital thrust for the mercantile agencies. If it could be shown that the commercial traveler was a machine. with intelligence enough for transporting samples, quoting prices and taking orders, thereby divesting him of the most intellectual function which inheres in his profession, they could set themselves up as the autocrats to pronounce on his sales. In the light of reason and fact how preposterous! The man who is continually in contact with those he sells to, noting and assimilating the varying conditions of credit, must take orders under a suspension of their being filled until something else that knows nothing about the personality of the buyer or the circumstances which surround him passes on his character and responsibility. But the inference which might be drawn from the above remarks is not true. however much the wish; and it is hardly credible that a reliable business house would so defame a class of employés who more than any other build up the name and fortunes of the great trade establishments in every land.

This versatile lawyer goes on to say that "prior to the establishment of the mercantile agencies dispensers of credit would get information as they could by correspondence or otherwise. Some of the large houses employed traveling agents to look after and report debtors, and collect debts. Smaller houses were deficient in the information so necessary to their success; the larger houses got it at too high a cost." It were better for the

mercantile agencies if that had never been said. How do they get by far most of the so-called information they sell if not "by correspondence or otherwise," in a most astonishing manner at working others for their gratuity in supplying them with material for their commodity? Does he not know that to this day the big and little houses do just as they did prior to the advent of the mercantile agencies? In writing his book did any of the thousands of reports sent by commercial travelers to their houses get in his hands? Hardly. He was in possession of what suited his side; and besides, these reports are not collected for promiscuous inspection. since they are intended for the information of those for whom they are written, and no one else. Does he not know that after a trial of years of his systems, found to be inimical to the true relations in commercial transactions, business houses maintain their credit departments where the statements made to them are kept with the private indicia of their patrons, and that they use the lawful means, subsisting between business men, in keeping themselves informed with regard to their business connections? And the commercial traveler continues to send in his credit reports. These houses know such to be the proper way in which to keep abreast of their credits; the original way, which experience and fair dealing teach as the only reliable one. Out of this method the principle of privilege grew into a common law in respect to communications of credit information, the law of reason and experience. In no small measure it is on account of the losses incurred by following the mercantile agencies in their glamour of promises, and the doubts and confusion raised by their reports why houses, reckoned as their proper customers, have repudiated their assumption as guides to credit, as well, withdrawn their money tribute to them. But the unfairness of the expense is that at last the public pay this tribute in what it consumes, apart from bearing the odium of the shameless patronage of a system which is a spy on the private life of every one. So we have it, the people are made to provide for the disgrace put upon them by these secret exploiters of them for

profit. But, even though they be unacquainted with the credit-seekers and their circumstances, they have correspondents and reporters close by them. Yes, but do their customers know anything about the character or intelligence of these local assistants or informers? As for this, neither do the mercantile agencies, as a rule, yet whose representations, are gladly sold, but against the results of which they would have a specially manufactured law of protection. Hence, is it reasonable for a business to rely more on its commercial traveler whom it knows, probably trained by it, who is in the field studying its interests exclusively, than on the correspondent or reporter of a mercantile agency. in all probability unknown to vendor or vendee, but at work perfunctorily for anybody who may buy his representations from his principal in espionage.

When the legislatures and courts come to a better understanding as to the operations of the mercantile agencies, it may then be that the commercial traveler shall be recognized in all the law books to the extent of his necessary and responsible relation to commerce. The demand is still on him, nevertheless, for a thorough equipment in all the functions of his employment. He is the true agent for investigating the soundness of

the contracts he makes for his absent principal.

Going out among the people broadens the intellect, if thereby the civilities of intercourse may soften the asperities of business selfishness. It must be a direct contact for absorption, not a flying over the country in company with congenial spirits, who are more ready to carp at or misunderstand that which happens to reach the ear, nor that pretentious oversight which comes and goes without leaving the impression that the real needs and facts had been seen or felt. With this preparation it was a commercial traveler who not only made a fortune for himself, after his good work for employers that appreciated his services, but it was at this time of his life when he became plenteously absorbed with the needs of political and commercial reform. His agitation against the impoverishing and disgraceful politico-commercial alliance, stultifying truth

as the rich grew richer at the expense of the many, made of him an insuperable force before cabinet ministers and potentates of wealth. Richard Cobden, the commercial traveler, his study of conditions was in the exercise of all the functions of his early profession. henceforward England's foremost economic statesman. He minded not the sneer of the powerful, neither the ignorant who were encouraged by his opponents to jeer him, nor was he thwarted by that common attempt at breaking men down, in the efforts to supersede him with promises grafted on his plan of action. Practical knowledge was a power with him that could not be withstood. It was a coincidence of the year (1841) of his entrance into Parliament, steadily winning the affections of his countrymen, declining place in the Privy Council and titulary ennoblement, that Tappan started his mercantile agency. He, the ornament of his country, international honors thick upon him, whose "life work was for the promotion of peace on earth and good will among men," and in death, as his hardly less renowned disciple said of him with an emotion unquieted by tears, "his was the manliest and gentlest spirit that ever quitted or tenanted a human form," while at that time, in this republic, the mercantile agencies, in prejudice of his earlier calling which planted in him the seed of his greatness, were contending for the privilege of profit, not in commerce or economic justice, but in reaping their profit by subjecting one part of the community to an espionage for the benefit of another, under the pretext of commercial necessity.

The article in the Cyclopædia of Commerce involves much suggestion which is discreditable to employer and employé alike, with the mercantile agencies promulgating the judgment on their own behalf. It is made to appear the employer very much stultifies himself in that he hires a man to take orders, and fills them not as his own judgment suggests, or his agent's, who made the contract, but as something else foreign to the transaction suggests for him. Is it likely that a great number of intelligent and successful men would confess such incapacity for business? Are the mercantile agencies

hypnotists, or are they misrepresented by the Cyclopædia of Commerce? Here is the accredited agent face to face with the buyer, the best facilities at hand for investigating his personal and pecuniary worth, and yet the act of the agent, who is allowed to take orders and collect money, must depend on what an outsider has to say after he has solicited and accepted an order. It is not likely an intelligent salesman would solicit an order from one whose condition did not warrant the trouble; he generally knows something about his man before approaching him; he obtains his information on the ground at first hand. But, as seen, the intelligence and honesty of the commercial traveler is questioned in doing the very thing he is employed to do, while the buyer's honesty and responsibility are in course of investigation by a system which has no interest in him only to convert his name and reputation into a surreptitious commodity. What else can grow out of such a state of affairs but humiliation for the commercial traveler and ill-will and contempt for him by the buyer, who no doubt has waited and wondered through the process of secret inquiry about himself? How many receive disingenuous letters about their orders while this is going on! How many have their orders declined after a long waiting, without justice to their credit responsibility! How many have their orders filled on the faith of these reports who are not worthy or are not in condition of making good the credit they receive! It looks strange that any reputable business house should engage in such unworthy, if not to say dishonorable, conduct in the treatment of their special representatives and those who patronize them. this is not a world without its queer doings. That a commercial traveler, intelligent and honest enough to be entrusted with the collection of money, probably a thousand miles from his house, may take orders but which shall have no effect until something else is done in the way of securing advice from an unknown source. the absurdity of it is too plain for serious contention. Of course subsequent discovery may dissolve a contract. but if the house desires additional information to that of its salesman, the legitimate means is open to it.

But who are to pass on the voluntary orders in which the commercial traveler takes no part? In the first place, such orders generally come from buyers after an understanding is had or the cash accompanies them; or, if credit is asked, and it is desirable to make the sale, no sensible person so asking would hesitate to give every evidence that the account would be safe. In the absence of cash he could not expect to do less, he is unable to give more than security, or his pecuniary statement with responsible references. But he would hardly refer his character or the state of his circumstances to the mercantile agencies, as they are impersonalities with which he has no possible dealing; and if the dispenser desired still further information, he can communicate with those whose business made it probable they would have reason for knowing the seeker's standing and responsibility. Such communication means only that comity which subsists, and should be cultivated more, between business men, not only as a matter of self-interest, but as commerce does so much by them they can hardly refuse to do so little by it.

Without giving an insight of the work which produces the felicitation that there is money in it, Errant goes on to say: "At first regarded as partaking of the nature of a system of espionage seemingly at variance with that candor and love of open dealing so characteristic of our commercial usages, they have gained the confidence of the mercantile world, and have demonstrated, by their careful and successful management, that they are necessary parts of the machinery of trade and commerce." To this, another advocate on a different occasion was heard to reply, "What stuff! who gave the verdict?" Espionage was never thought before to change its nature, only in strategy, as it is quite certain the mercantile agencies are now in the nature of their methods and operations just as they were in the beginning, except on a more gigantic and consequently more oppressive scale; and certainly, human nature has not undergone a radical change with reference to its love for candor and open dealing. But when did the transition take place when man thought it necessary that he should be spied upon? Even the swindlers and sharpers would protest against the assertion. Really, who

gave the verdict?

In passing to the citations of law adduced by him in their support; when the "contract" with their customers is read; when the numerous libel suits against them are investigated; when their evasions of what the law puts upon them are considered; when the character of the wage help they employ is valued, and the imposition they lay on the gratuity of others is known; when the great wrongs they commit by their reporting may be told; and, for no good they do in return, when the great sums of money are reckoned, which they extract by indirection from the consumers of the country; when all these are weighed, it is not believed they have gained the confidence of that part, at least, of the mercantile world, which they would place under their subjection, or that they have demonstrated they are necessary or normal parts in the machinery of trade and commerce. Not yet awhile has the whole mercantile world grown conscienceless; it can never be demonstrated that the great propulsive wheel of civilization. which requires openness and freedom, is facilitated by a self-appointed bureaucracy whose secret work is, first of all in its own interest, and next for that infinitesimal part of the business world which patronizes it, and which is alleged to be benefited by it at the expense of and as contradistinguished from the greater part, who are the subjects of its reports. Along with this bureaucracy, is it the infinitesimal part of the business community who patronize it, that gave the verdict?

CHAPTER VI.

ARE the mercantile agencies operating under a false name to mislead? Are they agents of those who buy their commodity, whom they call subscribers? They are, without doubt, distinctively the strangest monopolies to maintain a position in society. They play no natural part in commerce, although they make a commodity of one of the main incidents belonging to it. There is no mutuality of interest between them and those who are so engaged. Their contracts with "subscribers" are nullities on being against public policy; but, as parties of the first part, they relieve themselves expressly of responsibility in what they agree to do. Instead of being contracts, however, these instruments are but artfully drawn releases from all liability for what they do. And here, it may be remarked, if they are only agents and their customers the principals, out of deference to the latter they should be designated as the parties of the first part. Probably, as captains in one branch of the great scheme, they feel they should be foremost. A dealer may put a price on his commodity and sign a contract with another to sell it to him at that price for a stated time. Just so with the mercantile agencies, as they have their commodity to sell. But to escape the liability attending their work, they call themselves agents, their employés, correspondents, etc., whom they reserve to employ, sub-agents, of their customers, who in turn are made the principals of great systems at espionage. In the next turn these principals so made out are required to agree not to hold their own agents and sub-agents responsible in the work they are employed to perform. Assuredly, this is wreaking a vengeance on the law for a purpose; one of those circuities with the law to confound, yet when followed out, will be seen to be only an artful dodge for

the purpose of beating somebody.

It is very much doubted if the customer ever imagines he is principal in such work; and yet, when the mercantile agencies are brought into court, those who conduct them are held to be the responsible principals. This notion of agency for the purpose of "putting it on the other fellow" was derived from the work of Church. The customers of the mercantile agencies are not banded together like the members of the British societies, who conduct their systems through instruments of their own selection; for in this instance the persons who really do the work not only have their names and acts concealed from the customers, but act directly under the employment and instructions of the mercantile agencies. Church was the agent of his thirty-six employers. He did his work in person; kept no stock in trade; what reports he made belonged to his employers for their private use. There was no traffic in his reports. Do the mercantile agencies then admit that all the stock in trade they carry, all their offices with equipment, can be taken possession of by their customers as being principals, and those who now run them put out of doors? On the contrary, a dissatisfied customer may be told to go to and make the most of it, in a very impertinent manner, for has he not signed an agreement revoking every right he has as principal or what action he may have at law as customer?

But we proceed to find out how the mercantile agencies are the agents of their customers, and consequently are much mistreated on being called to account for doing what they are employed to do by their principals. Charles O'Connor, the great lawyer, we are told, discovered the principle of law under which they could act, and within which they would find protection. The principle is unknown to Errant, as he states, but by a mere coupling of the great lawyer's name with the mercantile agencies, he seems to have his discovery for the all-sufficient claims and privileges of his clients. It is a pity that such an extraordinary principle should lie concealed somewhere, but the ways of the mercan-

tile agencies are secretive as they are wondrous. it may be one of the lost principles, since it is not produced in their hardest contested defenses before the courts. The truth is, the principle is concealed in their so-called contracts, where a lawyer made them the agents of their own work instead of the law. But as these contracts have undergone changes since the creation by O'Connor, it were just as well to leave the principle of his protecting conceit out of the question and go by what is tangible and present. As the Bradstreet Company make its contracts read: "The undersigned hereby employs the Bradstreet Company to investigate and report," etc., the evidence is conclusive, as it is understood by Errant, a mercantile agency is the agent of him who engages it to serve him. But what is the object in giving a clause only of an instrument which is of some length? In quoting clauses, and parts thereof, lawyers have been known to distort writings in a most ruthless manner. Indeed, contracts sometimes have provisions and exceptions set out in them so innumerable and confusing that a principle must be searched for to find who is held fast and who loose. This falls within the province of legal learning, but it may be just as well to recite one in full, so the layman, who is chiefly interested, may have an opportunity to exercise himself in mental calisthenics over an understanding of what these contracts are in their entirety. The one recited is of the older mercantile agency, since it may be presumed that, inasmuch as the O'Connor principle was laid down in the early days, it was created more especially for that one, and as hence, perhaps some idea may be apprehended of what the mysterious principle consists.

MEMORANDUM OF THE AGREEMENT between R. G. Dun & Co., proprietors of the Mercantile Agency, on the one part, and the undersigned Subscribers to the said Agency, on the other part, viz:

The said proprietors are to communicate to us, on request, for our use in our business, as an aid to us in determining the propriety of giving credit, such information as they may possess concerning the mercantile standing and credit of Merchants, Traders, Manufacturers, etc., throughout the United States and in the Dominion of Canada. It is agreed that such information has been, and shall be obtained and communicated by agents of different classes, servants, clerks, attorneys and employees, appointed as our sub-agents, in our behalf, by the said R. G. Dun & Co. The said information to be communicated by the said R. G. Dun & Co., in accordance with the following rules and stipulations, with which we, Subscribers to the Agency as aforesaid, agree to comply faithfully, to with

- All verbal, written or printed information communicated to us, or to such confidential clerk as may be authorized by us to receive the same, and all use of The Reference Book hereinafter named, shall be strictly confidential, and shall never, under any circumstances, be communicated to any person outside of our establishment, but shall be exclusively confined to the business of the same.
- Neither the actual verity nor the correctness of the said information is in any manner guaranteed by the said R. G. Dun & Co. The said R. G. Dun & Co. shall not be responsible for any loss caused by the neglect, unfaithfulness, or misconduct of any agent, servant, attorney, clerk or employee, in procuring, collecting and communicating, or in failing to communicate the said information. The action of the said Agency being of necessity almost entirely confidential in all its departments and details, the said R. G. Dun & Co. shall never, under any circumstances, be required by the subscriber to disclose the name of any agent, servant, clerk, attorney or employee or any fact whatever concerning him or her or concerning the means or sources by or from which any information so possessed or communicated was obtained.
- The said R. G. Dun & Co. are hereby requested to place in our keeping, for our exclusive use, a printed copy of a Reference Book, containing ratings or markings of estimated capital and relative credit standing of such business men, in such States as may be agreed upon, prepared by them, or the agenta, servants, clerks, attorneys and employees aforesaid. We agree that upon the delivery to us of any subsequent edition of the Reference Book, the one now placed in our hands shall be surrendered to them, and also that upon the termination of our relations as subscribers, the copy then remaining in our hands shall be delivered by us to said R. G. Dun & Co., it being clearly understood and agreed upon that the title to said Reference Book is vested and remains in said R. G. Dun & Co.
- We will pay in advance.....Dollars, for one year's service of said R. G. Dun & Co., from the Date Hereof, together with the use of the said Reference Book pursuant to the foregoing conditions, and such other sum annually thereafter, as may be agreed upon between us, verbally or otherwise, subject always to the conditions and obligations of this agreement.
- R. G. Dun & Co. are hereby permitted to reserve to themselves the right to terminate this subscription at any time, on the repayment of the amount for the unexpired portion thereof.
- If the inquiries for detailed reports on this contract shall exceed...in number, the excess we agree to pay for at the rate of Thirty-three and one-third Dollars per hundred.
- The conditions and obligations of this agreement are understood by the Subscriber to apply from the time of signing this contract, and to all information or books furnished to said Subscriber after that time.
- It is fully understood and agreed that the contract between said parties is fully and entirely expressed hereby, and that there is no parole or verbal contract, agreement or understanding of any kind, whereby the terms hereof are, or can be changed, varied, modified or explained in any manner whatever.
- The subscriber agrees to accept as the aforesaid Reference Book.....edition issued in.....and.....
- This Agreement is Dated the.....day of......189...., and is signed on this....... day of......189.....

The party of the second part having signed this instrument, paying in advance for a year's service, he is not permitted to own what he pays for, and as principal, not what he owned in the first place. Besides the requirement of secrecy, on the face of the instrument some other principles seem to crop out. They do not desire to have their publications remain in people's hands as invitations to actions for libel. But the main one appears now to be, since they have grown so mighty

in unconcern as to the rights of others, the fewer of these publications left in the hands of customers, that many more may be sold. As the verity or correctness of what they sell is not guaranteed, nor the parties of the first part responsible for any loss caused by the neglect, unfaithfulness, or misconduct of any agent, etc., and as the parties of the first part do not collect or communicate what they sell but through these servants, attorneys, etc., it will be seen the parties of the second part are very much left out in the cold as to any remedy or corrective they might demand in the usual course of legal redress. But why should not the second parties be made principals in the work, although they shall not know who do the work for them? tremendous responsibility lies somewhere, and, after all, the trick of the great principle may have been in losing this responsibility, which in turn lost itelf. The work is of such a confidential nature, perhaps one ought not to know his employés so engaged, since he is among the sufferers from their acts; while the mercantile agencies may stand aloof, directing the operations whose produce is put in form of a commodity for their special stock in trade, serene with their profit and accountable to no man. And the other sufferers, the subjects of these reports, must seek redress in the generalization of mercantile agencies, and on spotting a particular one he is confronted by "privileged communication." An instrument so replete with evasion and injustice was never before produced out of which the attempt is made to establish principles of law. It now develops why the mercantile agencies would set themselves up as the self-appointed agents of those who buy of them. such, they appoint agents of themselves who are the sub-agents, servants, clerks, attorneys, etc., of their customers. Thus, in this roundabout fashion, while divesting themselves of all responsibility, they are to control absolutely the smallest minutiæ that pertain to this work of their principals. Of course they appoint and discharge these sub-agents on their own motion, as the principals are to know nothing of the merit or demerit of their under-employés. And it is here where the boss gets in his work to perfection, serving only his superior agent, whose first object is profit. But what a conversion of the terms of principal and agentl what a device for taking what may be characterized as blood money from commerce! what a slur on those who patronize them! what an insult to social order! Ought not the superimposition over all of such a system, with its natural tendency to oppression, awaken every right which it burdens and violates?

"When the mercantile agencies came into the courts," says their advocate, "the judges recognized the fact that they were new forces in the community, and they felt themselves called upon to assign them their proper sphere." And to demonstrate they are the agents of those they sell to, an extract is taken from the case of Ormsby vs. Douglass.* The defendant in this case was Benjamin Douglass, the immediate successor of Tappan.

The extract reads:

Laying out of view for the moment the circumstance that the defendant in this case made it his business to seek information in order to furnish it to those whose occasions and interest require knowledge of the standing and character of others who dealt or proposed to deal with them, it is clear that if the witness Benton, having procured a note to be discounted on the faith, in part, of the plaintiff's responsibility, or being about to do so, called on the defendant for information respecting his standing and responsibility, it was entirely lawful for the defendant to give him all the information which he had on the subject. It was in a just sense a duty which one member of the community owes to another for mutual protection and benefit, and the law will recognize it as such by holding it privileged. Information of the description referred to being important, there is no legal objection to the employment of an agent to seek and communicate it. And the agent may properly be paid for his time, labor and expense in the pursuit of such information. If one merchant may employ his own private agent to seek and communicate such information, there is no legal objection to the combination or union of two or more in the employment of the same agent. And as a consequence, if an agent may act for several, he may make the pursuit of such information his occupation, and receive from those who desire to avail themselves of his services and his knowledge acquired in such occupation a compensation therefor.

^{*37} N. Y. 484.

"It was upon such reasoning," says Errant, "that the courts recognized the mercantile agencies as new and necessary servants of the commercial world," when he closes his argument that they are the agents of their customers. For the most vital point in his case, he makes quick dispatch of it; and for those who read his ultimatum no effort is needed, only they must believe what he says, dry so, as certainly no one who understands the operations of the mercantile agencies would take the language of this decision as law, but which in fact, although standing as an appellate decision, the majority of the courts shy around. With a period of over forty years behind him during which his clients were in constant litigation, as they continue to be, he was evidently short on law; and while he might have been long on evidence, it is of such character that discretion would advise him not to say a great deal about Like many other unlawful acts, if the mercantile agencies may be heard on some principle of law the facts should be laid aside as too bothersome to talk about. Discovery of principle is a great professional business. And they will maneuver to the last ditch to keep the facts from the public on the leading principle that every advantage must be taken in a legal contest, for is not law an art in strategy for the benefit of the evil-doer, as well as a science in the government of society?

In this case Benton was a customer of Douglass, and desirous of discounting Ormsby's paper, he bought of Douglass, who was conducting a mercantile agency, equipped with its usual stock in trade, and the appointment of operatives, the report which was on hand concerning the personal standing and pecuniary responsibility of Ormsby. Among other reflections on his character, the report said Ormsby was not of responsibility, who in turn instituted a suit for slander, Douglass having imparted his representations orally, which he got from the report, written up and filed away in stock by an employé or several, when Ormsby got wind of what he had told of him. We are old enough to have a settled judicature, and there were decisions that ap-

plied to the issues of law in this case, those of agency and privileged communication, but in our system of a mixed jurisprudence we find that the administration of justice is in a very complex condition, especially when it is the pleasure of courts to ignore the precedent of each other and in overruling themselves. The question is often asked as to what interest is being subserved in this procedure. Our foremost law writers lay down principles with reference to the mercantile agencies, and our decisions are in conformity thereto, with this exception and those that follow it. This exception will be found pervading those decisions and expressions in which the courts, to arrive at their conclusions, must misapprehend the operations in the procuring and communicating of these reports, and the true relation of the customer towards these extraordinary organiza-The hypothesis of their being agents of their customers cannot be found in this decision from an unbiased construction, unless the operations and connections of the mercantile agencies are in all material respects like the commercial traveler in his capacity of credit inquirer, or Church when he was employed by a certain number, thirty-six it is said, who did his work in person, kept no stock, published no reports, and the results of whose work belonged to his interested employers, who made no traffic in it. Or, unless the customers of the mercantile agencies were an organized society, like the ones mentioned against swindlers and sharpers, liable for its acts, collecting information for the mutual benefit and protection of its members, but not making a traffic of it; and all those connected with its management, in either the departments of collection or distribution of reports were in truth the society's employés, engaged by it, paid by it for their services. But a society of business men for such incidental purpose, bearing all the responsibility the law would put upon it, as large in membership as the customers of the mercantile agencies would make one, is a practical impossibility. Even the old systems, very much smaller in membership, are found to be inadequate, as houses soon learn that private business is an independent affair, and to obtain reliable information, each one for itself must have its own system in connec-

tion with its credit department.

Owing to the delicate and personal interest which attaches to this kind of inquiry and report, grave wrongs liable to be committed at any time, the law intends the process shall be confined within the narrowest limit if its principle of agency or privileged communication is to be invoked, the process being between those whose relativity is personal and material with regard to the one inquired about. Obviously this excludes the mercantile agencies, as they have no material interest, present or expectant, no business relativity as such, in a legal sense, with any one. If my material interest is concerned in the standing of John Doe, and I have reason to believe that Richard Roe, on account of a similar interest, is informed of his standing, with propriety I can myself or through my agent, who turns over to me exclusively what he has learned, ask him for his opinion of John Doe's personal and pecuniary stand-This is for my sole benefit, and the law so assumes. Further, with propriety, if John Doe is overdue in debt to me, or asks me to give him credit, I can require of him a statement of his pecuniary condition, and reference to responsible persons who have a knowledge of his general standing. In neither of the information so obtained can I traffic, although I may impart what has been learned to another who has an interest in John Doe like myself. If so imparted, and John Doe were to claim I had damaged him, it would be absurd for me to say I was only acting as the agent of the person who was informed by me. On the other hand, without the interest recognized by law and common sense, under no circumstance would I be justified in meddling with John Doe's private affairs. I would be a trespasser of a most reprehensible and unlawful kind of his personal rights.

Indeed, so tender is the law in regard to this species of inquiry, an agent may not disclose to a third person to be communicated to his principal what he has learned; and to act as such intermediary without having

any interest involved, except for profit, makes the business a peculiarly anomalous one. Such business is simply one of tale-mongering, which under the common law and some of the statutes is punishable, although no pecuniary reward is demanded, as clearly it is an offense that disturbs the public repose. So consequently, having nothing at stake in the legal sense, there is no reciprocity in exchanging or communicating their information in respect to persons who are engaged in pursuits which may be affected by it. Besides, this "information" comes from unknown sources, as its verity is clouded by express release from those who

buy it to act upon.

And right at this point Errant throws away his case by appealing to the common law. For by admitting the mercantile agencies to be new forces. at first seemingly at variance with that candor and love of open dealing, he fairly shows that such an occupation is repugnant to it-the law above all others that maintains candor and open dealing between men, they being one-sided in every respect, hence against conscience and fair play, which, after all, is the essence of the common law. From this view he would derive a principle for a thing out of a law to which the thing itself was repugnant. The only way of reaching a conception as to how these new forces would have been regarded, under the practice of the common law, is by analogy; and tainted with suspicion, as he admits, but being what they really are, as the ordinary observer knows-one-sided, and oppressive in their tendency-our author must realize that Chief-Justice Coke, apart from his treatment of monopolies, would have pronounced against them in judgment of instant suppression.

In the role of busybodies and tale-bearers, the mercantile agencies make of themselves not only a neighborhood nuisance, but they have made themselves a national menace, oppression and a fear of them the very natural result. So far as they are concerned, it matters not whether the persons they report are trustworthy or disreputable, so they make the mate-

rial for their commodity, as they have no dealing with them, do not come in contact with them; and yet. being "necessary instruments of commerce," principles must be created to protect them in their wrong-doing. But new forces must have new principles-forces that sprang into existence at the time of "the utter demoralization of men by the irresistible temptation to speculation which it afforded, ending in swindling to retain ill-gotten riches." One who buys their books of reports cannot be supposed to be interested in the million of names, which are graded and quoted in imitation of so much stock at the exchange, or that he is interested in the greater number of extended reports, shelved as so much stock in trade in their offices, but is entitled to their inspection on presenting a customer's ticket. And certainly, no one customer is so interested in the business units of the country, as when their notices, alleging to report the failures, suits instituted, and other items, affecting individual members of the public, go in the hands of all their customers alike. Beyond doubt they are wonderful inventions for profitable irresponsibility. But the victims! The reported, their customers, or who? The public foot the bill. And while their books do not purport to list the names and reputation of farmers, professional men, or those who are not engaged in trade or finance, unless it be those who attend to their rating as a matter of "business," yet reports of all or any are made on demand, copies of which are filed for future reference.

Thus, as it has been truly stated by one of their number, the work is understood by very few. And although not on account of any very great intelligence which is put in the work, but rather that kind of intelligence the most serviceable for profit, it may well be doubted if many realize the gravity of this underground employment which is constantly going on around them.

The mercantile agencies had not been long in existence, and beyond doubt the mind of the court in Ormsby vs. Douglass was influenced by the representation of how the British societies were operated, and the character of Church's employment in the capacity of a

commercial traveler who investigates credit conditions exclusively. In both of these the methods were direct, without the intervention of persons who were not substantially interested in the parties reported, and what was collected or communicated, directly or by agent, was for the especial use and benefit of those who thus sought information to make themselves safer in particular transactions. The use of the report there ended: it was not converted into a commodity for sale to an indefinite number. Church could not have imparted his information to others without violating the terms of his employment; and by so doing, whether he retailed it around for money or to satisfy a tale-bearing propensity, he would have made of himself a meddlesome fellow, which subjected him to every punishment in law and morals that such conduct arouses to action. If in any event "one merchant may employ his own private agent to seek and communicate such information, there is no legal objection to the combination or union of two or more in the employment of the same agent . . . who may make the pursuit of such information his occupation." In this we see Church's employment precisely stated, or that of the commercial traveler; in the preceding part of the extract quoted, that comity is illustrated which subsists between business men in exchanging information of this kind. but not of those who make a traffic of it. And, too, besides himself, no one has a right to seek such information but through his agent employed for that pur-

After quoting Judge Cooley on Torts, who says: "Confidential communications between one and his professional advisers, whether legal, medical or spiritual, are privileged; so are confidential communications between a principal and his agent in any matter pertaining to the business;" also, "And where confidential inquiries are made concerning the character and conduct of servants, or the responsibility of tradesmen, and the like, by one having an interest in knowing, and of one who may be supposed to have had special opportunity in his dealings or affairs to acquire the informa-

tion, the answers are in like manner privileged. But," says Judge Cooley, "if one makes it his business to furnish to others information concerning the character, habits, standing, and responsibility of tradesmen, his business is not privileged." And to set the question at rest, and in conformity with the leading decisions, this same author, in his Constitutional Limitations, says, "But the reports of a mercantile agency to its customers are not privileged." This law writer, of our own country, who treats of our institutions and the laws thereunder, is, no doubt, our foremost authority on such subjects. He wrote after the opinion of Ormsby vs. Douglass, which probably was before him when the above language was penned. Now, if the mercantile agencies' reports are not privileged, how do they assume to be the agents of their customers? Judge Cooley realized they are nothing but traders in their own name and behoof, so he brushes aside the artifice of calling those who buy of them subscribers by designating them as customers, which they are, being buyers of the commodity produced by their work. They solicit their customers, with whom, if the mercantile agencies were their agents, the anomaly would be presented of principals soliciting themselves to buy what was their own. Ormsby vs. Douglass is their leading case, and it may be said to be the only one. By disregarding its casuistry, but holding in view the fact that the mercantile agencies are engaged in a traffic of their own; that they do not impart information possessed of themselves, which is impossible, since they stand in no relation towards men engaged in business as would necessitate a knowledge acquired or to be acquired of their standing or responsibility; but the "information" they impart is simply from the reports they have on hand or to be got, founded on the suggestions of others whom generally they know nothing about. No one can be deceived by this muniment of opinion. Douglass knew nothing about Ormsby, had no dealing with him; he repeated to his customer what his report on hand stated, compiled from the expressions of others as gathered by his reporters, but who these "authorities" were it is hardly

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to be conjectured he knew, although living in the same city; and when the customer Benton required further "information" concerning Ormsby, instead of being in possession of the knowledge himself, it had to be got from outsiders.

CHAPTER VII.

Again, are the mercantile agencies privileged from disclosing the contents or authorship of their reports? After assuming they are agents, of course this contention follows. As it is known communications between a principal and his agent pertaining to the business are privileged, and by establishing themselves as the agents of their customers, they could claim the protection of the courts, no matter how falsely they reported the character or pecuniary responsibility of persons. The language of the opinion in Ormsby vs. Douglass shows that the attempt was made to identify the work of the mercantile agencies with that of Church under his thirty-six employers, or those commercial travelers who discharge the duty of credit-reporting to their houses. The proper distinction was not made; and it may be added that on finally setting up a mercantile agency, procuring others to do the work, sending out his publications, etc., Church was mulcted in damaging the reputation of a business firm, and that is the last heard of him in the Law Relating to Mercantile Agencies, only it occurs to the mind of Errant that the dictum of the appellate court in this case was not abreast of advanced thought, although in 1871, thirty years after the birth of this advanced thought, on appeal by the defendant, the case of Taylor vs. Church* was adverted to as having peculiar weight with the court, and was followed by it in Sunderlin vs. Bradstreet. †

It seems to be an absurdity to contend that a customer who buys a specific piece of commodity in relation to the standing of his patron, present or expectant, and after the commodity on hand is sold to him, or to be got through the circuitous machinery of these sys-

"I E. D. Smith, 279.

tems for the sole purpose of sale, under the protecting plea of agency and privilege, he may be interposed as the principal throughout the transaction. Let us see in a measure what the process is, in procuring this article of sale called information. A, who is a customer, goes to his mercantile agency, which calls him a subscriber, and applies for a report of the personal and pecuniary standing of B, in whom he has a material interest, present or expectant. If the report in stock is of late enough date it is copied and turned over to him at a stated price. The names published in their books they affect to report every six months, to be in readiness for the imperative business man, but if not in stock or too old the greatest swiftness is promised in securing what the customer wants. Generally the promise is based on the action of some unknown person who makes it good gratuitously. The party inquired about is wholly unknown to the mercantile agency, as he is generally ignored in the collection of data that so intimately concerns his private reputation. When the data comes to hand from which the report is compiled. a copy is put in stock, which is reproduced as many times as subsequent customers wish to buy, until age destroys its value as a commodity, but the memory of which is often never lived down. In making this sale was there a mutuality of interest between the mercantile agency and its customer with reference to the personal or pecuniary standing of B, and would not the mercantile agency have been most fortunate in having the report in stock so there would be no waiting in these rushing times, while the expense and trouble of starting the machinery for a fresh or new one would have been obviated, although the customer were a stranger and a brand new one? It is quite likely, however, no report is in stock of B, so some source of information has to be communicated with, or it may be the mercantile agency has a branch office where B resides, when his reputation and fortune are committed to the clandestine care of the reporter or correspondent, as the case may be. Neither the correspondent nor the reporter knows who makes the inquiry, or to put it the

other way, the customer for whom the mercantile agency made the inquiry to sell the report to, when either is as likely to know the facts in relation to the personal and business standing of B as the man in the moon, probably never heard of before, but who must be reported at all events. They must "investigate," and if the party can be found, his personal and pecuniary reputation must be transmitted in due form. By reason of the magnitude, if no other, of the work, the proprietors of the mercantile agencies take no hand in the collecting or communicating of their reports, by doing which is the only feature in connection with the work on which the claim of privilege, as being agents, has any possible footing. And in this respect the legal maxim steps in: "An agent cannot delegate his authority." Their contracts with customers may read otherwise, but when a contract is entered into for the purpose of defeating the rules of law it is void from its inception.

In general the procurement of their commodity is even more circuitous than in the above illustration. A customer in New York City asks for a report of B who resides in the "jurisdiction" attached to the Chicago branch. The inquiry is then forwarded to Chicago, which asks for the report of its local correspondent where B resides, or who "reports" the neighborhood in which B lives, that being his "jurisdiction." Whether in brief, or extended detail, what the correspondent has to say about B. is returned to the Chicago branch, where it is put in form of a written report, the symbols of rating attached, copies of which are forwarded to the inquiring office, as many as need be retained for the Chicago stock, and a number of others distributed to those branches where it is probable B at some time may be in the market as a buyer in their "jurisdictions." The capacity of the typewriter is used for manifolding on tissue paper the report asked for by the New York office, when the copies are literally retailed over the country. So it will be seen that the remote correspondent, who has no communication with the office the interested customer patronizes, writes his opinion of B, whom probably he knows at most

but casually, but who has no true interest involved, for whom he knows not, and the Chicago branch, just as ignorant of who the inquiring customer is, as in all likelihood it never heard of B before, but gives him a character and pecuniary standing for the "business world" to act upon, that is, the customers of the mercantile agencies. And through all this proceeding B is in darkness. Is it conceivable that the persons engaged in the preparation or delivery of this report to the customer had that material interest in B, direct or remote, which the law contemplates, as they had none in the customer except to supply him with a commodity? In all probability the correspondent had no occasion to know anything about his character or reputation, and what he reported of him likely as not was founded entirely on hearsay, that great misrepresenter of human conduct and the status of men financially. The reliability of such information may be seen in this, and it is to be hoped that the customers do not go on the principle of making up, as mercantile agency "authorities" themselves, on those they assist in reporting for what they lose on their bought reports.

When writers and jurists distinguish more fully the practical working of these "necessary aids" of commerce, they will have a livelier appreciation of what the subjects of these reports are sometimes intended to experience from the principle of making private reputation the material of a traffic; and even without this appreciation, their shrewd inventions out of legal phenomena in nowise will be accepted as authority by "The law has always been very tender of the reputation of traders, and therefore words spoken of them in the way of their trade will bear action that will not be actionable in the case of another person." Is this less than just, especially since the very foundation of such employment is in that delicate, intangible something, called credit, over which the mercantile agencies assume to exercise a secret influence? Commerce is a responsible means of livelihood, those engaged in it have themselves and their families to provide for and protect; may they be injured or ruined by

an intermeddling irresponsibility which has no interest or care one way or the other in their welfare? And if mere spoken words to one or two fall within the principle, how much greater may the injury be in written words widely disseminated in secret, but accessible to thousands as objects of purchase! But we are told: "Circumstances will afford an excuse for writing or speaking defamatory words whenever the occasion is such as to cast upon the defendant a duty, whether legal or moral, of stating what he honestly believes to be the plaintiff's character." No doubt this is true with proper qualification. If one honestly believes another to be a swindler or other disreputable person he may be justified in warning others as to his character, Judge Cooley defining such cases as: "Those in which a party has a duty to discharge which requires that he should be allowed to speak freely and fully that which he believes, where he is himself directly interested in the subject-matter of the communication, and makes it with a view to the protection or advancement of his own interest, or where he is communicating confidentially with the person interested in the communication, and by way of advice or admonition."

It will be noted that in making such communication the person himself must be directly interested in it, or it must be in the nature of confidential advice or admonition to another interested in the subject-matter. But in doing this the party must speak from his own knowledge, or has obtained what he communicates from known sources, otherwise he repeats a mere rumor. Besides, there is no presumption in these instances that one may make it a business of telling what he knows or has heard of private character for a money consideration. Indeed, were this different, that necessary comity between business men would be destroyed, and without which business would eventuate in nothing more than schemes for plunder; so it may very readily be understood how a business man would feel were another to say to him that he parted with his knowledge of the standing of others for pay. If this principle were destroyed it would probably devolve on the state to set

afoot some new plan for protecting the honest against the dishonest.

As shown, the mercantile agencies have no interest in the subject-matter of what they communicate-most of it hearsay of the most dilute form-further than it is a profitable commodity, while the advice and admonition spoken of means that gratuitous duty which one owes to another in the discharge of his civic obligation in protecting society. This is the common law principle which would be perverted. In performing this duty to society the mercantile agencies hinder themselves, for, as in the case of an employé, who no doubt was moved by an innate sense, on remarking to a noncustomer of a happening that interested him, a customer reproached him that he paid the mercantile agency for which he was working, while the man he was talking to paid nothing. Were the mercantile agencies in that sort of business? They are not. They are in it strictly for money; and no gratis information unless it is strictly a lure for patronage. "But if one makes it his business to furnish to others information concerning the character, habits, standing, and responsibility of tradesmen, his business is not privileged, and he must justify his reports by the truth." This justification would involve a complicated state of evidence, as its nidus would be found in the very atmosphere of rumor and hearsay.

Dispensers of credit have a standard formula in declining accounts when governed by these aids: "From the information we have we do not feel justified," etc. Suppose B got such a notice on the eve of his necessity for a season's stock of goods, and took a different view of this justification. It might dawn on him that some ignorant or malevolent informer was "doing him up in fine shape." He might call on the mercantile agencies as to how they were reporting him, when he would be laughed at in their sleeves, inasmuch as they are selling their reports, and just then he happened to be an undesirable customer. If he knew enough about their methods he might ask for the name of their local correspondent, when the laugh would be on him again.

as their relations with correspondents, etc., are of the most confidential nature. He might ask the house that declined his order for the source of its information, when no doubt he would be politely told they came by it in such a way the name of the informant could not be divulged, inasmuch as the house knew it had signed an agreement precluding it from making a disclosure. He then sweats to know what to do. He may hit on a bit of "fine work" himself, as sometimes these reports do get in the hands of the injured, although when a "kicker" is heard to be on the "war-path" the order is hurried out to suppress all reports of him. Take them from the customers who have bought them; obliterate or conceal every evidence. Who is he anyhow? If he has learned enough to found his action for slander, or has succeeded in securing a copy of the report from among the number distributed over the country and demands damages for libel, then arises the vital issue.

The eminent authority says the reports of the mercantile agencies to their customers are not privileged; they must justify their truth. They would not, however, know the truth in their reports were they to see it. Hence, the justification places the correspondent or reporter who wrote up B in close quarters; and mark the point, these are recognized, not as the subagents of the customers, but as the agents of their respective mercantile agencies whose proprietors are made to answer, thus exposing the trick couched in the

invalid contracts.

The next law writer quoted in the search for this earnestly desired privilege for their communications is Dr. Francis Walker. This voluminous writer says: "If the limitations of confidence are thrown off by the agency, in other words, if it publishes to the world the information it collects, then it is liable in damages to parties whose character it disparages, or whose standing it impugns. On the other hand, if it confines itself to the confidential communication of such information to its customers, then, if it acts bona fide, and without malice or recklessness, these communications are privileged, and the defendant, if sued for

a libel in making such communications, would be entitled to a verdict."

The distinction here made is in publishing to the world, and the limitation of confining their sales to acts of confidential communication between themselves and their customers. The first of the proposition is obvious. But why should not the latter part include the former, or is the distinction made between the whole creation of earth, and "the world of trade" in a more restricted sense, such as the mercantile agencies would create? The reference books which are synoptical of the extended reports kept in stock, and the notification sheets, are circulated indiscriminately among their thousands of customers, who are the creatures of their world. In his alternative the learned Doctor performs a contretemps in legal disquisition, probably as he knew but little about the operations of the mercantile agencies. The postulate is of mutuality-interest and agency; interest, which is unquestioned law; agency, such as was Church's position and unquestionably the commercial traveler's. It is inconceivable how the element of malice or recklessness could accompany the sales made directly by the mercantile agencies, the material of whose commodity in general collected by strangers in respect to strangers, hence they can know nothing of the animus contained in the article sold; but because of this they should have a verdict, since their reporters and correspondents, who supply them. being agents, are protected by the doctrine of privileged communication; they having shown themselves as having no motive for malice or recklessness, how can the injured hold them to account? A writer of law. serving no special interest so far as known, but where would his mysticism in distinction land us, if in reality he understood the methods of the mercantile agencies? Manifestly, at some point in the natural world, where the mercantile agencies might be legalized to hunt down and subject reputations to the use of their own "world of trade." Errant introduces the Doctor, but perplexed he abruptly leaves him with the remark that he seems to mean thus and so.

What is the difference in telling the same thing in a multiplicity of words, or in a few with marks and signs which are understood? And not only do these publications go into the hands of all customers, but they are easy of access to the friends and patrons of the customers who inspect them from curiosity, if for no other purpose. They may desire to see how they are "sized up," or their neighbors, however very much against the injunction of secrecy, as some unpleasant revelation may be developed; and besides, the vendors are not in the business of dispensing free information. The books, published quarterly, contain considerably over a million names, which include probably fivesixths of the living tradesmen and financial men and institutions of the country, the dead names, and those published but not in business, not computed, while the notification sheet, which is published as many days in the week as need be, often every day, as an adjunct of the book, so it may be seen the interest of a single customer in all these persons, as a matter of confidential information, would be very difficult even for him to estimate. Certainly his interest must be limited. and confined to a small number in the localities where he has dealing. So these publications may not be privileged. But how about the extended reports which are kept in stock for supplying the customers, the bases of the publications, as after buying the books the customer is advised to buy the extended reports at so much apiece? Does privilege then attach to the extended reports, but not to their abridgment in published form, because they are doled out only as any customer is entitled to call for them at the price? Where does the mutuality of interest appear, whether between the vendor and the customer who is supplied with a strange article of trade but in the subject-matter of which the vendor has no interest, or between the vendor and the party he reports, assigning him a reputation status without his knowledge or consent, only that he is an object of this extraordinary traffic? Not alone singly, but have all of their customers an interest in all these names, possibly after a single inquiry in respect to the standing of many of them; and were they engaged in some commercial employment, is it probable that the mercantile agencies would have a material interest in all the persons who are the subjects of their reports—the adult population of the country? "But the work is a necessity," says one, "to the business world," that idea of the world which some people have who would bound its limits by self-interest. It is a necessity, however, to a business like the mercantile agencies, for with a world thus circumscribed, outside of which, the more people the more reports, the more

money.

In his "Law of Libel and Slander," after classifying the communications which are privileged, Odgers says: "Where neither the defendant himself nor any one with whom he has confidential relations, is interested in the subject-matter of the communication, it is very difficult to define what circumstances will be sufficient to impose on him the duty of volunteering information to the prejudice of the plaintiff. There is no rule of law on the point. It is a question of moral or social ethics." As Odgers does not classify the communications of the mercantile agencies among the privileged, may not a principle be found in what he says? They volunteer to sell reputation, standing, based on the suggestion of unknown authorities.

As between the mercantile agencies and those they report, it is not pretended that a confidential relation subsists; then may a conspiracy be entered into between them and their customers for the purpose of this confidential relation—the two parties which are intended to be benefited by the conspiracy, at the expense and espionage of those who are reported? There is no rule of law that sustains this kind of an artifice. Outside the pale of law; what they do is truly a question of moral or social ethics. Shall it then be said we are a civilization that requires these private systems that spy upon and report the reputation of the people who maintain them, or, is it an apathetic civilization that permits such money-making devices which by their nature degrade its morals? As the mercantile agencies

are systems by rule and method there is no distinction to be made in the mode of their reports. In his alternative, while Doctor Walker is not happy, yet he appears to be informed as to the use they make of their reports. Like Judge Cooley, he calls the "subscribers" of the mercantile agencies, customers, and certainly, if one has a customer he has something to sell, which something with these organizations is nothing but their reports, however acquired. They have no limitation as to whom they report, nor in the number of customers, provided the price is paid; their chief interest is to swell the list of customers in order that profit, already enormous, may be increased. They volunteer their necessary services for money; the law must be disconcerted or beaten for the good they do.

If one takes or receives the tactile right of another without his knowledge or consent, he would be likely to find out what the law had to say about it, because of its perceptive value; but to traffic in the names and reputation of persons without their knowledge or consent, perhaps Doctor Walker, as a criminal law writer, would hardly know what remedy to prescribe, because the reflective value is inestimable. The main excuse we find advanced on behalf of this traffic is that, on account of the customers, as we would be led to infer, who compose "the business world," they recognize in it a commercial usage and necessity. This is not believed, however, in regard to many of their customers, but no doubt there are plenty of them who find use for

But what about the millions, and what have they to say when it is discovered that in main unknown to them, they are used as the components in fashioning at will the subject-matter of this traffic? These systems might be efficacious in finding out and reporting the swindlers and sharpers of the country, although this would be an encroachment on the police regulations as organized by law; but in what manner they may be permitted to launch out indiscriminately in the great sea of human endeavor and seize in secret to their use and profit the character and pecuniary standing of

these instrumentalities for one purpose or another.

any man or woman, the notion of morals or social ethics gives us no clew. Those precepts of avarice and oppression do, in that of usurpation, until the restraining influence of law and morals is exercised. Such abuse of law and morals, it seems, no free enlighten-

ment would long permit.

From a preponderance of American text writers and decisions, against him, Errant passes to a number of English cases to prove the righteousness of his dogma of privileged communications. Such organizations were never known in England as they are operated here. In fact we recently learn that on the suggestion, coming from one connected with the American system, similar organizations might be started there "for the promotion and protection of trade," it was coldly received, and if listened to at all it would be with the understanding they should be under state control. Yet, a most singular thing, American systems have been allowed to station branches in that country of such tender regard for private rights, the right of one's castle, to use their phraseology, in the traffic in secret of the standing of its citizens for the profit on the sales to the American customers. But we have a jurisprudence of our own built up alongside our institutions; we have law writers comparable with the most conscientious and able anywhere. Then why delve in the antiquities of other lands to find precedent for fastening on a free people an instinctive wrong? If Errant is in search of principle, he may be told that principle lives anywhere. and it can be found in native authority suited to the genius of our society. It is true we are living in a time of economic marvel as well as economic pretense, but the intelligence which dwells with us must be our preservation. But he failed signally in the land of class privilege to find the principle that sustains the mercantile agencies in their claim of privileged communication; his citations refer to the ordinary actions for slander and libel, in which the defendants believed they were telling the truth, either in the protection of their own interests, or that the actionable words were communicated from a moral and legal sense of right and

duty to society. That avarice, specially engaged in this kind of traffic, is believed to exist nowhere but in the

systems peculiar to and in shame of this soil.

Errant feeling, no doubt, that a great deal ought to be said on the topic of privileged communications, he rounds off his foreign authorities with the discovery that the court permitted the Scottish Mercantile Society to publish the name of one in respect to a matter which was copied from the public record. We have an established principle at home in the publication of items of that kind. It is a common but valuable item for the newspapers which they communicate in advance of the mercantile agencies in many instances, as largely the newspapers are a source from which the mercantile agencies supply themselves with their stock in trade. And were these organizations to succeed in establishing the belief in the public mind that they are a long felt necessity to its well-being, they would yet be entitled to no advantage of the newspapers in the matter of privilege. Suppose a newspaper published for its readers a series of reports irrespective of persons, pretending to set forth their character, habits, pecuniary responsibility, and other private belongings, more particularly in the reckless and ignorant fashion as is evidenced by the reports of the mercantile agencies, how long would it withstand the popular rage and prosecutions which justly would be visited upon it? fact that such reporting is done surreptitiously is its greatest condemnation; and because done in secret to earn the money of a number of customers—a business world that would require a large newspaper edition—is there a peculiar exemption attached to such work because there is no rule of law but that of its own assumption? The law-abiding part of the true business world will never give assent to seeing commerce turned into a licentiousness of spying for the benefit of any other part, or for the benefit of those engaged in it, who by specious claims of their own set their devices up as instruments of necessity. How long and by what devices is the private reputation of a people to be made the toothsome carcass for the jackals of avarice to feed on?

And as necessity is a good watchword, the millions of money extracted from the people by the mercantile agencies, another question resolves itself, Of what uecessity are they to the public at such an enormous cost? And on from the cases which produce no analogy, as "these establishments were new forces in the community," would it not be more consistent to accept the decisions bearing on them expressly, where they are domiciled, do their work, had their origin? It is quite lawyer-like to shout Eureka, when after long diligence some principle must be discovered to harmonize exactly the case in hand; and indeed, some of the professional gentlemen have been seen to soar so confidently in the nebulous region of analogy that nothing is viewed in connection with the real issue but assertion traversing the otherwise empty space. It is not trustworthy, however, to trust to necessity at all times, since it is too often made the mother of invention in determining a false principle, for even though the state license a wrong, that does not decide its moral effect any more than the rectitude of the personality that makes the wrong oppressive. Slavery had its license, but a nation was sundered whose parts were reconstructed only after that license had been revoked as immoral and inhuman. It was on account of his opposition to that license that Tappan would not send his emissaries to the South, the anti-slavery sentiment which moved his compassionate soul being unpopular then in that section. How stupid these people were in not seeing a good thing notwithstanding the sentiments of the inventor! What a queer invention, which was necessary to a business world, and yet one section could have the usual relations with the true business world without its use! "At first confining his operations to the country north of Mason & Dixon's line," what a calamity it was the people of that section did not have some institution which might have repelled with equal force Tappan's merciful abhorrence of negro slavery! for another sentiment of abhorrence may well hold that the secret and irresponsible work and influence of the mercantile agencies. molding the idea of the power of money for the supremacy of capitalism over the whole nation, oppressing without the individual knowing how or why, is more subversive of morals and human rights than was the earlier blot put upon the South. This latter was an open object, which discovered its points of attack; the other foe, concealed in its operations, hunting out the people and making for them reputations for the benefit of its own creation, under the pretense of necessity, is not unlike the traffic in human bodies, which was claimed by the slave-dealer as a divine right. It is conceived how right principle is the nourished outgrowth of the moral law, and as false principles are grafted on this outgrowth, in due season,

we see social ethics and moral duty imperiled.

But have the mercantile agencies a license? By a negative tolerance they may have. In many of the states they are required to pay a tax before a domicile is granted them; others in addition, require a per centum of their revenue. This is, however, a tax for occupancy, the legislatures not intending that the employment has been recognized as moral or lawful. Hence, in the absence of statute law, the courts have their own margins of principle. In serving special interests, is it strange interpretation should have its conflicts? Yet these new special forces should be established in principle from their own concrete, but this is not attempted, as their intrinsic worth to society at large would be put to the test; consequently it is preferred by their advocates to represent them in strained analogy rather than make them depend on the merits of what they are and what they do. In their trials the question of privilege is always involved, as to whether or not they are the agents of their customers. The alternative if is constantly presented to the mind of the courts; and from this complexity grows the evident fact that largely the judiciary, in respect to their true character and operations, is not informed, which information these defendants, as a matter of self-preservation, withhold as much as possible from judicial inquiry. So long as they can masquerade in the disguise as agents, the subtle lawyer finds no difficulty in constructing hypotheses to

confuse; and yet, with those courts that desire to pursue the straight and narrow way, it is hardly to be believed that were they to have a general practical insight of what these defendants are engaged in, and their method, there would be any waver or evasion in placing them where they belong. The law of privileged communications has been settled in this country in harmony with constitutional and natural rights, and the acts of the mercantile agencies are not believed to fall within its principles. But laws and constitutions are objects for various interpretation; then why should not there be emanant principle for answering the demands

of special privilege?

While no determinate law is advanced in their favor. there are judicial opinions which have a tendency to include their communications in the doctrine of privilege under suggested limitations, yet they evince a lack of knowledge or desire to view the subject in its widest scope—the bearing of the mercantile agencies on the public. As they should be, they are not considered from the standpoint of public policy, affecting as they do so intimately the rights of the whole people. And with a clearer or less one-sided understanding, the opinions which deal in alternative or suggestion would doubtless have given the rules of the law unmistakably and clear cut, whereas the "judicial knowledge" in Ormsby vs. Douglass is that they are sanctioned by the usages of commercial communities. This is one of those latitudinous but vague recognitions, which in case of the mercantile agencies is not true in point of fact, for what may be usage in one community may be the opposite in another, although the mercantile agencies do the same character of work over the whole country. Do even the body of customers so declare? for to benefit the mercantile agencies which allege to benefit them they must conspire with the former in subjecting the people to their mutual advantage. Certainly the learned court did not mean the usage or usurpation which is sanctioned by one community might be forced upon another, or there would be revolt sure enough against such dicta. The law establishes no concealment by

which it may be abused; usage means a benefit for all the community alike. New York has its commercial usages, so has Chicago. It would be the consummation of their hope of power and oppression for the mercantile agencies to have usage established for them in the former city, where their customers' list is the largest, and then have it promulgated over the country as the law.

With the communities so widely separate, the nation new but throbbing for opportunity in every development, local interests and method becoming more distinctive, it is rather early for a private device at moneymaking, while it does affect the whole people, but who, generally speaking, know nothing about it, to bulldoze every community with its claim of usage which in fact is not established in any particular one. The times are flagitious with schemes for debauching the honesty of fair dealing, the courts burdened with varying demands for interpretation, there may be great caution in determining the question of public rights, especially when the interested party pleads his new principle. On answering such assumption, instead of being lax, or elasticity given a rule, justice would have her meed were the rule tempered with an exacter accountability. It is well understood that the course pursued by some of the most infamous shifts at money-getting is to secure judicial recognition with the idea that life is a composite and every endeavor should be represented in the photograph. But no principle can be made so elastic as to embrace in the picture such a mass of heterogeneous parts. If the diverse immensity of the country precludes the adaptation of uniformity in material life, the difference is seen in the most sensible degree when the attempt is made to apply the usages of those communities, which subsist on the rest of the country and make the laws, to the other communities on which they subsist. Such a state of affairs is purely one-sided. And it is at this juncture where the mercantile agencies enter, alleging to serve the former while they would force the latter to submit to a secret investigation and report of their condition or fitness without reaping any benefit from the usage

Such interference done openly would be repulsed, so the alternative is to do it secretly, and by confidentially communicating to their customers what they do the usage and necessity is complete for the purpose of making a principle of law. Principle must shoulder the responsibility for the clandestine work. How unprinci-

pled in character is principle made to appear!

The majority of the court decisions are, however, against the assumption that these communications are privileged, the reason therefor set out very clearly. And with regard to the contention of their being agents and their report privileged, there is the main principle which in justice can never be overlooked. This relates to the individual reported. For even though he may give his assent to the traffic in that he be clandestinely reported, it is ineffectual, since every individual is included in the work, which makes the business a matter of public concern, as, for example, no citizen may impose on his community a nuisance, much less a thing liable to produce the greatest evil to society. This implies that the law suffers no engagement that disturbs the public repose. Can any object be imagined which is more likely to disturb this repose than the pursuit whose business is to traffic secretly in the private functions of the integral whole? To make this disturbance remedial law prescribes the penalty.

But while the mercantile agencies lay on and grow rich, regardless of individual rights and the public peace, in language similar to that which is fairly historical, they too, no doubt, dismiss the protests from each with a handy epithet. But stripped of their pretentions in the forum of justice, where would they be with their money-making device, or in their damning? Standing in the light of truth before injured society. intolerable in the aspect of organized systems of espionage and inquisition, they would be eradicated from the land despite the protests of a money-hungered wail from the great centers of aggregated wealth and selfish-It is true they are strange creatures that have interjected themselves in any economy of civilized life, for in mode so repugnant are they to the accepted notions of what is right and useful that, in the absence

of absolute rules for their government and recognition. there should be no relative rule, in the sense they are founded in any principle of law. Privilege is an extraordinary rule founded in public policy, and notwithstanding the exploiting of the courts by these defendants in the effort to shape the rules of law for their protection against paying out damages, there has been no departure from it, save what may be attributed in great measure to that local or other influence which more or less acts on particular cases. This is perhaps less a reflection on society at large if the flow of justice in some instances is slackened or diverted thereby. Can it then be said the mercantile agencies have a claim on the law's protection; and the spirit of palpable right which flows from the letter of our most eminent law writers and interpreters, who speak for the whole country, may be ignored or formed anew to suit the purpose of particular persons whose struggle is by abnormal interpretation to uphold conduct prejudicial to society at large?

After the defendant had organized his mercantile agency, the principle involved in this work is pointed out in Taylor vs. Church.* When in the capacity of commercial traveler in the employment of his thirty-six principals, what Church collected in person he communicated in person as their agent, and there was no traffic outside the arrangement. But on branching out as a "necessary part of the machinery of trade and commerce," here is in part what the court had to say:

It is not, however, necessary to the decision of this case that we should now decide whether, if the communication had been confined to the person making the inquiry, it would have been privileged. The publication was far more extended in this case. The question then on this part of the case is, whether a communication made for the purpose which brings it within the class of those which are privileged, may be subsequently printed and circulated to other persons, who, at the time of the publication, have no interest in knowing the facts stated, and who purchase the work for the purpose of reference at a future period, if they should thereafter have occasion so to do. The benefit of this ex-

^{*1.} E. D. Smith, 279.

ception on account of privilege from the ordinary rule has never been extended so far, nor do I know of any case that warrants such a doctrine. No case that has been cited protects a communication made for the mere purpose of profit, and to persons at the time having no interest in knowing, nor can such a rule be maintained upon principle. The only ground of privileged communication is interest, either in the party giving or receiving the information, but it is not to be found in a case where no such interest exists at the time the communication was made. Any extension of the rule would be fraught with danger to that class of business men to whom credit is of any value. As no one can guard against the effect of such secret publications, the least that can be required in regard to them is, to hold the party who, as a matter of profit, prints and publishes them, to the obligation of seeing that what he thus privately circulates is founded in truth. The convenience and protection of those who give credit is not to be considered as paramount to the credit and solvency of those who are the subjects of these reports. There can be no difference, as suggested on the argument, between making the communication in writing or printing. It may well be doubted whether either mode is justifiable if a third person is employed to do the work. If such a communication can be privileged, it must be made in a private manner; and if the defendant was justified in making it, he should have furnished the information himself, and not have committed the duty to others.

On appeal, the court said:

I think the Court below was right in holding that the publication could not be included within the protection of privileged communications. In this case the communications were not even confined to the persons making the inquiries of the defendant. The libel complained of was printed by his procurement, and distributed by him to persons who had no special interest in being informed of the condition of the plaintiff's firm.

Thus it is learned, twelve years after Tappan had set the example for these systems as they are now, through three tribunals including the trial court, the question of privilege was considered from the same point of view, and no word said about the seller of such reports being an agent of his customer. What success there was in the attempt to extract the right of privilege from the English decisions, or what may be produced from the courts of Canada, this New York decision confirms the idea of what the mercantile agencies are in respect to the law and social ethics of this republic. Unhappily, as is commonly the case, the efficacy of our law tribunals is only sufficient unto the day for the evils which are brought before them—prone to postpone to the legislature a greater sufficiency in positive action—they do not go further than to expound immediate issues. At the outset had they taken a wider view of the mercantile agencies in their bearing on society, not one of them would be left to disturb the quiet of the public, or to harass and oppress the individual citizen. Instead, we now behold the most gigantic and thorough-going private systems in the government, apart from and above the government, disclaiming responsibility, and recognizing no law but that of self-interest. This may be startling to those to whom public

and private rights are of any value.

Under no political regime would their lives be prolonged but a seventeenth century mercantilism, which subordinates everything, both in national and private policy, to the art of money-getting and money-concentration. In the centers where these systems fecundate the one object which draws them support is, that they shall be the couriers to spy out the private treasures, whose owners must then be exploited from every side, character, capacity, resources, and debts, to determine how much they may contribute towards centralizing the wealth of the country. The work of the mercantile agencies was dedicated to this object. How far they fall short in projecting the grand scheme those who support them must answer. But if success as servitors is inverse to the expectancy of their customers, the progression will be found in that they succeed in accumulating for themselves. More than any other agency they encourage the hated dogma that money is power; and while they would be imperial in the transactions of the people, this power they must acquire by dealing in a commodity got through secret procurers, thus subjecting a nation to espionage and inquisition for the alleged benefit of a class, but especially for their own private enrichment.

In the case of Church the gist was, Could one who

devoted himself to such an occupation for profit have such interest in his communications, either in respect to the person reported or the customer for whom the report was procured, as would entitle him to plead the doctrine of privilege? This is precisely the position the mercantile agencies are now in; and further, not only was Church believed to be without the privilege, but he had intensified his wrong by allowing others to inspect his reports besides the present inquiring customer, just as it is the practice with the mercantile agencies to-day; and to exclude himself without peradventure from the doctrine he employed others to do the work for him, just as the mercantile agencies are doing at this time in their pretended connection with the confidences of commerce, which the law most tenderly regards. It would have been preposterous for the court to consider him now as an agent, so his discretion or honesty forbade any such pretext. It was manifest his interest in the persons he sold reports of was not even remote, and so it was an indifferent quantity to him whether they were cash-paying millionaires or moral and pecuniary bankrupts. He procured reports only to sell; they were all the same to him; and like the present methods, it was all the same to him where the data came from. And what interest had he in his customers? Not a whit more than in those he alleged to report, only as any other vendor would desire to supply the demand of his customer with the object of retaining his patronage. The mercantile agencies are so prudent in this respect that they require the cash down, a year in advance. And if a legal and moral duty had been suggested to Church in the protection of society, a scope was opened he did not care to enter, as in no sense did he pretend to be a public intelligencer in warning everybody against those that had been reported to him as cheats, liars and thieves. He was in it for money, and a right good thing it was until the courts told him his plan for getting rich was not above the law. There were many phases of Church's mercantile agency which the court did not touch upon, although confronted by a work incongruous to any state of civilization, "novel

in its character, not only to the parties immediately concerned, but the mercantile community," as later courts have been abashed by the effrontery of these

necessary aids.

In the case of Beardsley vs. Tappan, * some entirely new conduct is presented in the effort to suppress evidence, and to worm out from a legal responsibility. The charge of libel was founded on the report of Tappan's correspondent in another state. Always in these defenses somebody else appears as the main witness, but necessarily so from the fact the defendants have others to do the work for them. In this case it was Benjamin Douglass while an employé of the defendant. He persistently refused to divulge the correspondent's name, when he was committed to jail for contempt of court. The conduct of this witness appears to have been the victory, as we are told Douglass claimed that, in his refusing to comply with the order of the court, the mercantile agencies were aided in establishing themselves in popular confidence, "because men saw that they could give information to the agencies, and that these would not betray the confidence reposed in them." Perhaps this bears its own commentary in the mind of the citizen who believes in obedience to the law; but in this contempt of the law, the clandestine nature of the work is exposed; the reliance on others for their reports is told; to win the favor and service of correspondents the law must be beaten. If the law refuses to pay them homage or is unyielding, beat it. Has this state of affairs the assent of the law-abiding citizen? The action was brought in the Federal District Court, including New York City in its jurisdiction, which entered up judgment against the defendant in \$10,000 damages. Appealed to the circuit court, among other things, the court said:

The defendant communicated through his clerks to several customers and to their clerks facts seriously affecting the credit of the plaintiff's house; and the main question in the case on the merits is, whether or not he is exempt from the consequences of the publication on the ground of its

^{*5} Blatch, 497,

privileged character. The Court charged the jury that if the defendant himself communicated the information to a person applying to him for the purpose in good faith, the communication might have been a privileged one, but that the publicity given to it by recording the libelous words in a book to which others had access, and to whom they were communicated, though standing in the relation of clerks, deprived the communication of its otherwise privileged character. This is no doubt a very important question, and one involving in its practical operation, whichever way it may be decided, interests of very great magnitude. On the one hand, to legalize these establishments in the manner and to the extent used by the defendant, is placing one portion of the mercantile community under an organized system of espionage and inquisition for the benefit of the other, exposed, from the very nature of the organization. to perversion and abuse; and, on the other, to refuse to legalize them, may be restricting injuriously the right of inquiring into the character and standing of the customer asking for credit in his business transactions. I am strongly inclined to think that if the establishments are to be upheld at all, the limitation attached to them by the court below is not unreasonable, to wit, that it must be an individual transaction, and not an establishment conducted by an unlimited number of partners and clerks. The principle upon which privileged communications rest, which of themselves would otherwise be libelous, imports confidence and secrecy between individuals, and is inconsistent with the idea of a communication made by a society or a congregation of persons, or by a private company, or a corporate body.

And thus, through these two courts, a mercantile agency raised the issue that its reports were privileged. and lost. The defendant's \$10,000 was gone a-glimmering, only he had one alternative. He appealed to the Supreme Court of the United States, dodged the main issue in the lower courts, and saved his money on other technicalities. The question of privilege was not raised in this court, as he dared not, and still they dare not, for an adverse decision here would drive them from the face of the earth. In the opinion above it will be seen the court was impressed with that character of communication which Church collected for his six and thirty employers, the kind obtained by the commercial traveler, or that which houses obtain through their credit departments, and either of which the law does not restrict in the "right of inquiring into the charac-

ter and standing of the customer asking for credit in his business transactions." The court realized to what extent the abuses of mercantile agencies could be carried, especially in Tappan's project, which is nothing less than a congregation of persons, headed by an association or corporate body, that subjects the community to espionage and inquisition for the benefit of a few in it; and, as by that time Woodward & Dusenberry and Bradstreet had "caught on" the spirit that demanded an utmost exploitation of the country, the opportunity of self was irresistible for any instrumentality which promised its energy to bring about the money inflow. Yet, if these "new forces" are so solicitous of the reputation of persons in the distant regions who may contribute to the inflow, those who gather the profit might preserve some measure of legality in their work by betaking themselves to the field as did Church at first. But no, there is more dignity in one's effort when the work is done by somebody else, certainly more profit in the work of others for the mercantile agencies; and besides, the systems grew so immensely, the opportunity for accumulating money and power so ineffably important that imperial heads became necessary to direct the army of employés who, underpaid or not paid at all, produce the commodity, while the profit is garnered at the confluent center. And yet, by these systems, as the court intimates, the legal and moral principles are so overstrained, it is difficult to assign them a place where they might enjoy the protection or respect of either. With this view of their object and operation, the principle upon which privileged communications rest, which of themselves would otherwise be libelous, importing confidence and secrecy between individuals, but which is inconsistent with the plan of these systems, it is inexplicable by what other principle the claim is asserted that they are necessary adjuncts of trade and commerce, except by that invalid assumption whose continuance depends on a brazen arrogance. How may any "establishment" be justified in law or morals, exposed from its very nature to perversion and abuse, placing one portion of the community under an

organized system of espionage and inquisition for the benefit of the other?

Yet no restriction is put upon the right of inquiry through the intelligent and lawful mediums, but which the mercantile agencies called themselves into existence to supersede. And it is sufficient to say, the credit and standing of no community is of that undiscoverable nature, or so debased, as to necessitate a spving over it, before a name, marked and branded, may be assigned to those of its people, for the purpose of sale to a particular few in other communities. "Go ye, and spy out their land and the fruits thereof, their weak places and their strongholds detect; but in secret inquire about each one's private character and what he owns," should not be applied to the modern Canaans, the names and reputation of whose citizens are for capture to be sold to strangers. Were there an alternative under which the mercantile agencies might be legalized the court may have felt that perhaps any system, even though it were clothed with an extraordinary privilege, might be justified in detecting and accusing the swindlers and sharpers that infest almost every community; but ought not every community to be recognized in the right that for the iniquities of the few, who more considerably perpetrate their practices on their neighbors. the whole people should not be brought under the stigma?

In Ormsby vs. Douglass, that part of the decision has been recited in which the mercantile agencies find precedent for the claim of being agents of their customers. After the plaintiff had closed his testimony in the trial court the defendant asked that the case be dismissed, inasmuch as the words spoken by him concerning the plaintiff were in confidence to an employé of his customer who, as he alleged, needed the information in the conduct of his business, and, besides, there was no evidence of malice or bad faith in what he had said or done. The motion was granted and the plaintiff appealed. There are several circumstances which might be considered before the language of the appellate court is quoted, the first and only one noted by

Errant in which the principle is laid down as well that the reports of these organizations fall within the rule of privileged communications. In the first place, as to the evidence of malice or bad faith. Take the example of B, who was reported by a correspondent of the Chicago branch, which was asked for by the New York office in response to the demand of a New York customer. Can the New York office say what motive actuated this correspondent on writing the data of his report which was put in communicable form by the Chicago branch; what sentiment or passion prompted him, where he got his information, if from others, the value of his opinion or that of his informants? These are elements which must be considered in connection with every report they sell, even of the information of their reporters, who collect what they have to say from others. So in selling the passion or sentiment, the prejudice or interest, the ignorance or pruriency, of others in regard to others, the plea of no malice or bad faith, it would seem, is a very specious one. If the correspondent's name may be suppressed, the right of privilege maintained, no better plan could be devised for blackmailing the people of a country. In general they know nothing of the truth or otherwise of the matter they sell; automatons they are that hand out the article supplied by others and take back the price. The customer may need information concerning those he deals with, but is there a customer who would act solely on the advice of the article he buys from the mercantile agencies unless he were in a speculative mood?

As said, Ormsby vs. Douglass bears the distinction of being the original and main prop both as to their being agents of their customers and that their communications are privileged. It was perhaps the foremost piece of judicial comfort of the age, and often it has been used in swaying justice to bear them to the haven of irresponsibility and wrong-doing encouraged. It is, however, a novelty in judicature which cannot be imposed on honest or discriminating minds, although it has served to win the concurrence of judicial impotence or other human frailty. There might have been some-

thing in the defense in point of fact, as the report, which Ormsby claimed was slanderous, was procured from local "authorities" who may have known what they were talking about for publication. But the facts were not gone into; the opportunity no doubt was favorable for a principle of law, with the object in view of securing a precedent for the courts of the country to follow. It mattered not what the standing of the plaintiff was, reported among other things a counterfeiter, in accordance with established precedent, the defendant should have been put to his proof of what he had circulated. Again, this decision is so radically different from the generally recognized principles of agency and privilege, the fact may be alluded to that the defendant had a large acquaintance with a more or less personal following; the action was brought in the city of his abode, while his mercantile agency gave promise to a numerous individual interest whose combined wealth made them influential in the great center where money exercises its various influences. The extracts from the opinion are copied from Errant's law, who no doubt selected the strongest points for his pur-

It is said that the defendant falsely charged the plaintiff with a crime, and that the answer of the defendant to the inquiry made was not responsive to the question put. It is true that the report made embraced a charge of a criminal offense; but it was, I think, directly responsive to the question asked. It related to the standing of the party. It affected his responsibility as a business man and his financial credit and character. It had much to do with the question whether, as a business man, he was entitled to credit and confidence, and to what extent. It was in fact what the witness inquired for. It was not an allegation or charge made by the defendant, but a report of information he had obtained in the due course of his business, and which had been entered upon his books. He merely communicated to a person, who had a right to demand it, such information as he had, including a fact within the range of inquiry made. Surely, if any communication of this kind made in good faith is privileged, then the whole is protected as much as any part of it, and it cannot well be urged that there is malice because the whole truth is stated and a portion of it criminatory. If the alleged slanderous words were communicated to other persons besides the witness, the surrounding circumstances evince that it was in good faith and confidentially, to those who had a right to require it, and where it would be protected as a privileged communication. The business in which the defendant is engaged is sanctioned by the usagesof commercial communities, and the proof in this case fails to establish that he transgressed any rule of law in its transaction. Upon the same general principle, merchants have an interest in knowing, and have a right to know, the character of their dealers and of those who propose to deal with them, and of those upon whose standing and responsibility, in the course of their business, they have occasion to rely. As a necessary consequence they may make inquiries of other merchants or of any person who may have information; and if such merchant, or other person, in good faith communicates the information which he has, or thinks he has, the communication is privileged. In my opinion the right of the plaintiff to recover does not at all depend on the question whether the defendant was pursuing this business for gain, but on the same principle as if he had been in the same business with the subscriber who applied to him and had made the same communication.

It is believed no opinion of a court was ever delivered in which legal truth and sophistry more curiously blend, the sophistry, of course, leaning not to virtue's side. The first general observation will be the decided stand taken against the plaintiff; no elucidation of those rights which the work of the mercantile agencies so seriously affects; the lack of defining and explaining those particular facts which are understood to fall within the principle of privileged communications. It is an opinion that stands out from the great body of law and precedent, reversing the position taken in this same court in Taylor vs. Church, to create in the mercantile agencies a right "to perversion and abuse" by making of them the arbiters of the personal and pecuniary standing of men in relation to their private transactions. The rights of society and the virtue of the law may be outraged, but hardly can it be imagined that any broad-minded or unconstrained judge would give heed to the letter or spirit of such a ruling. The least that could have been done was a submission of the facts to a jury. But no, the opportunity must be taken at its advantage; the time was ripe for judicial expression on the two great points of agency and privileged communications, although the evidence may have been ample for an acquittal in the trial court. And as the struggle is carried on to establish this one opinion over the country, the truth is also extending with a better information that in its very nature the work is unlawful

as it is against natural conscience.

What business was the defendant engaged in, which for protection he should have kept himself posted as to the plaintiff's standing; was there probability of his ever having business relations with the plaintiff? Merchants, and other persons, do exchange information relative to the standing of others in respect to their business interests, but where is the similarity between these and the mercantile agencies, which, however, do sell a commodity, but of no recognized commercial value, and which they sell for cash, thus eliminating all interest in the credit standing even of those who buy of them? Merchants, and others, do not go about, in person or by secret emissaries, inquiring into the character and responsibility of persons in whom they have not the remotest interest as is understood by privileged communications; the exchanges of information they seek being incidental to their business in the relation of creditor and debtor, existing or probably to arise; and the gathering of which from others is in no sense to make of it an article of traffic. Although the plaintiff may have been guilty of criminatory acts, what was the defendant's interest in him only to the extent of a civil duty in warning those, as it occurred to him, the plaintiff might injure? But no, he was serving a particular world for pay; social ethics are for the goodygoody to look after. He had no material interest in Ormsby one way or the other; in all likelihood the man was not known to him, or that he had a customer who had any interest in his standing, and to show he had none, the report of Ormsby already on hand was so unsatisfactory to the customer that another had to be procured from the information or opinion of outsiders. He had none in the customer with reference to Ormsby's reputation, as evidently he knew nothing of their relations until the customer called for the report. It is

good business with the mercantile agencies to anticipate the demands of their customers, so the report of Ormsby was in stock with no other purpose or interest in view but to have it on hand should any customer call for it. And as it is the rule for employés to collect the data and put it in vendible form as reputation reports, it is highly probable in this instance, as it is generally the case, the representations set out in this particular report embodied the most diffuse character of opinion and hearsay. The reporter or correspondent has no true interest involved. "Go and seek what you can find out about this party for this customer, or a future one," are the instructions; and as dispatch is the chief element of profit in the work, may not what is collected be hearsay without regard for the source, or from whose lips the representation is repeated, whether a biased friend or secret foe, of the subject of the in-

quiry?

In the most concise manner the court's opinion may be answered interrogatively. Who gave the mercantile agencies the authority to set themselves up as secret informers, to break men down in character and in their credit responsibility, because some adverse representation has been hunted up by them, its original source they know not? Often adverse reports are told of men which have no foundation in fact. What is their relation to the public that they should keep a record of men's private standing and affairs as a stock in trade? If they do not allege to charge thus and so against men, they do worse in secretly informing a great body of people who are their customers of what comes to them as hearsay, and which they use in establishing the credit and reputation of others with this body. A repeater of misrepresentation does more harm than the original falsifier. Concerning the private affairs of men, what fact or interest is it within the range of their own protection that another in protecting his interest may seek their information touching the personal and business standing of others? Have they any business connections with the general public whose standing they ought to be informed of for their own protection? How do they

know they are telling the truth in their communications which are founded on information derived from In communicating to the inquirer, or other customer, or to any one in fact, through employés, how do they get around the established rule that in confidential communications of a privileged nature they must be imparted by the informer in person, and then one or both, the informer or the recipient, must have an actual interest in the subject-matter? The opinion says they have authority for this traffic because they are sanctioned by the usages of commercial communities, which of course is a mere assertion, or an echo of the mercantile agencies themselves, in the face of all consuetudinary law. Usage-custom, means common consent. Generally, it is hoary with age, and invariably its origin and establishment is circumscribed by local peculiarity. At the time of this opinion the mercantile agencies were comparatively a new force. but came on the commercial stage with its usage already established, as we must infer. A coterie may fulminate rules, but to say that one-twentieth of one per cent of the community may do so for its own benefit, subjecting the rest of the community to this benefit. and call it usage of the whole, is an assertion too preposterous even for those judges who strive to centralize the wealth of the country into a supreme ruling power. Is it possible that self-interest may combine the mercantile agencies and their customers against the rest of the community—hence usage be established by them hence the acts of the combination be privileged? Is there example for such a combination and claim? Yes. one. In contemporary time, the politico-commercial combination which is shaping a plutocracy of political and commercial control of the country; the plan of capitalism which would so contract commerce as to drive thousands of these very customers out of business. How deftly are they inveigled by usage!

The fact is, with this combination, they get the authority from the boldest usurpation a free people ever submitted to; a "duty" in response to "demand" and "requirement" of the decision which no state would

undertake to exercise over its citizens, as it would thus bear evidence against its own depraved condition. With reference to the latter part of the decision, after stating the true principle out of which to argue a sophistry: "That one who has an interest in knowing may learn the character and standing of those with whom he deals from others, who from their business relations might be in possession of the information sought;" how disingenuous the conclusion that a mercantile agency may occupy that relation; and dealing in a commodity of no actual utility, surreptitiously procured, they should be placed on the same plane with the great business establishments, the glory and pride of commerce, which obtain their information in the legitimate way!

And the mercantile agencies grow in arrogance.

The three leading cases on the claim of agency and privileged communications have been presented—Taylor vs. Church, Beardsley vs. Tappan, and Ormsby vs. Douglass, the first and last taken to the Court of Appeals of New York, while Beardsley vs. Tappan was instituted in a federal district court in that state, which was reversed in the Supreme Court of the United States on an issue novel to the main contention in the The opinion in Ormsby vs. Douglass, lower court. while extraordinary of itself, has been the provision for some of the most extraordinary turns and quillets in judicial minds. In one case the jury is charged that while the mercantile agencies are privileged in their communications, as laid down in this case, the correspondent who furnished the information was not so protected. From this there was no appeal for some reason, and how the correspondent came out with his libel, or who paid the damage for his piping, we are not in-The case was an obscure one; and a further ventilation of the question of privilege was no doubt concluded to be a ticklish fooling with the law loaded really the other way. It seems this is the view selfinterested shrewdness would consider the matter, and why should not Bradstreet, whose correspondent was involved, have called the thing off at the earliest moment at the least publicity and cost? These correspondents are very numerous, and while Ormsby vs. Douglass was sustained, this remarkable construction knocked the usefulness out of it; besides, it robbed Douglass of his victory in going to jail to beat the law, as others in this work have followed his example in treating law

and the courts with defiance and contempt.

But the most extraordinary acceptance of this opinion is to be found in the case of Erber & Stickler vs. R. G. Dun & Co.,* brought in the Circuit Court of the United States for the Eastern District of Arkansas. The court ignored the opinion in Taylor vs. Church, threw over Beardsley vs. Tappan as too refined, although this opinion came out of a tribunal on equality with his own, doubly confirmed in the point at issue, and Ormsby vs. Douglass, a state decision, was followed after this observation:

It is questionable whether it is not pushing the doctrine of privileged communications beyond its legitimate scope to hold that a corporation or partnership whose business it is to collect information in regard to the standing and financial condition of business men which is imparted to subscribers for a money consideration, can invoke the doctrine of privileged communication for its protection.

In this case privilege was pleaded, as in the others, and following the court said:

The only case on the point decided by a court of last resort brought to our attention, is Ormsby vs. Douglass. That case is on all fours with the case at bar, and in the absence of opposing authority on the question, we incline to assent to its reasoning and to follow it.

Now observe the inductive process which operated on this judicial mind in a state of conflict. The court was pleased to remark that the author of that opinion (Ormsby vs. Douglass) was afterwards United States circuit judge, and one other of that court, who seemed to have concurred in it, became a member of the Supreme Court of the United States. It may be remarked it was a pity that a majority, at least, of the Supreme Court were not of the same turn of mind, as may hence

^{* 4} McCrary, 160.

be inferred of this latter judge, at the time when Beardsley vs. Tappan might have gone through a federal adjudication quite satisfactorily on the original issue, the preëminently desired adjudication in this highest court of last resort, of making the communications of the mercantile agencies privileged. And yet, long after Ormsby vs. Douglass, the New York Court of Appeals followed Taylor vs. Church in the case of Sunderlin vs. Bradstreet, repeating the established principle, and confirmed the verdict against the defendant. have it, a majority of the decisions, and the last from a state court of final resort, pronounce against the mercantile agencies in their assumption of being above every other object in respect to their traffic, which, as well, place the correspondents and reporters in the same box with their principals, or in other words, in accordance with the construction mentioned of Ormsby vs. Douglass in regard to correspondents, the principals have been brought back and put in the box with them. And if the Arkansas court is keeping up with the concentrated wisdom of ages, and will have none other but a court of last resort to lead him, the more recent case of Sunderlin vs. Bradstreet may be followed, and it will not be out of the way, either, of his expressed views on the question of privileged communications.

We come out then to a majority judicial confirmation of what Judge Cooley says: "The reports of a mercantile agency to its customers are not privileged." And so, it may be added, a fortiori they are not agents of their customers. In truth, the mercantile agencies appear to realize themselves how the true principle is going to manifest itself in the courts, if there may be an indication in what is suggested for them; for if the principle cannot be beaten, then if a customer tells on them what they report of others, and in due course they are mulcted for libel or slander, in turn they may recover from the customer for having done as they do—telling tales. Thus, if the customer lose by them, they may not lose

by the customer.

Frequently, it is true, both lawful and unlawful enterprises find themselves so extended in their operations

that in a great measure the details must necessarily be put in the hands of employes; but it is not true that because an unlawful enterprise grows so large that it must be operated by others, the same recognition and protection should be given to it as to those which are lawful. The very immensity of the mercantile agencies, covering the whole country in the darkness of secrecy, of itself is enough to arouse judicial inquiry and caution, unless, too, the courts are prepared for the charge that special interests are paramount to individual and public right, both subjected to a perversion and abuse belonging inherently to this kind of work. Also, the rigid rule of following precedent is fraught with the greatest danger, as in the inconsistencies, etc., which so amazingly characterized our decisions, what judge may not select as he chooses therefrom so as to put on all fours the case at bar with it? This is well illustrated in the Arkansas case, the precedent followed having uo paradigm, but which is opposed by the language and spirit of the great body of English speaking jurisprudence since the doctrine of privileged communications was borrowed from the Roman law hundreds of years

It is computed that when the law-making mills are in operation, forty-six, state and federal, each with its jurisdiction, about a hundred statute laws are turned out a day. But do we not need more laws to undo laws? Then there may be hope for a rest from "the tumultuary energy of special legislation and in stretching constitutions." And yet, the most important side of the aspect is not shown at law-making, which, no less at the expense of the people, make an "endless accumulation of statutory dead-letters." In computing the law output, what about the laws of the judges-judiciary law, as their decisions are called? Of our state and federal decisions, we have probably a hundred volumes a year, big and little, holding in suspension an annual shower of hundreds of laws for establishing the precedent of the forum, and which, in fact, in many instances, usurp the functions of legislation. As it is the province of the judge to solve questions of legal

casuistry, and in so doing, as every judge may follow his own casuistic bent, we find the legislative enactments, whatever their number and cost and folly, may have an interpretation given them by the usurping law entirely at variance with the statutory purpose. And by this independent pursuit in casuistry, hence the variableness of interpretation, and in shifting precedent -the voluminous books of decisions. Casuistry may be solved by its own principles-fabrication, without going even into the realm of probability; and hence, it is true, the usurping precedent governing the legislative law, a partnership may be formed between the ruling power and the judges against the interests or will of the people. There is no reason why this branch of government should be scrutinized less closely, notwithstanding the sentiment of honor and wisdom which surrounds it. Although "we are a government of law," we want to be swamped neither in the "tumultuous and headlong energy in the making," nor be overwhelmed by interpretation in the volumes of inconsistent adjudications, which, after all, is the law that rules.

CHAPTER VIII.

THE effect of statements made to the mercantile agencies, selling copies of them to their customers, who may use them in evidence against the makers in courts of law, is a question more directly of interest to those who are foolish enough to make them in good faith. The claim that a statement so made is equivalent to making it to their customers grows out of the assumption that the mercantile agencies are the agents of their customers. Their status in this particular has been shown, the only law presented in its affirmance being that in Ormsby vs. Douglass, which also has been shown to be in opposition to all previous law. In following this decision there are a number of judiciary arguments, mostly in the lesser courts, but in none of the cases where this position is taken is there to be found that full exposition and interpretation which denote whole-sidedness or unconstraint in the judicial mind.

This is not the least infamy of this work, by claiming they are the agents of their customers. The law assumes that an agent makes himself known as such: hence, if a mercantile agency reporter, or other instrument, procures these statements for this purpose, the information should be present that he is the agent of the customers of the mercantile agency he represents, giving their names, as a copy is liable to go into each one's hands. But this cannot be done, since the customers themselves are precluded from knowing who these reporters, etc., are, which at once destroys the great governing principle in relation to principal and agent. An agent is a delegate-his authority is delegated to him by his principal, in whose place he stands-and if he does not even know the customers of the mercantile agency, whose agent he is in fact, that employs him, in what relation does he stand towards them? Obviously

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he is not their agent under such circumstances. were he such, the law is quite plain that he is not permitted to make the mercantile agencies, or any other vehicle, the clearing-house of the confidential information he has collected for his principal, involving the private reputation of persons. And here another principle of the law follows; an agent is not permitted to

delegate his authority.

As it is well known, the customers do not inform the public that they patronize such organizations, or who of their employes they depute to procure statements for them, every legal evidence is eliminated that these employés of the mercantile agencies are their agents. And further, if the mercantile agencies are not the agents of their customers, how can their employés be made to occupy this relation? Here is what their law writer says:

It is the custom of the mercantile agencies to send agents to call upon persons engaged in business and obtain from them a statement of their financial condition. Sometimes this is done because such subscriber is seeking information in regard to the party; sometimes because the agency wishes to be prepared in case of inquiries. The person does not know who it is that desires the statement, but he is well aware of the fact that some one is or may be interested in knowing about him, and that any representation he may make as to his financial condition will, in all probability, be relied upon by some one.

"Because the agency wishes to be prepared in case of inquiries from present or future customers." An extraordinary state of affairs, surely. A self-appointed inquisitor, exercising a quasi-public function, by doing which he may become a common witness against the public, but only for that part of the public which patronizes it as against the other part it spies upon and secretly reports. As well say, a business house which had obtained a statement in the regular way from a patron, and, as it might disclose its contents to another who had an interest in knowing, and on the latter being deceived by it, he could summon the informant, as his agent, to appear as witness in an action for false representation. In support of this claim, ancient prec-

edents are insisted on, in which the relations of principal and agent are clearly defined, but having, however, no true bearing on the mercantile agencies, which are admitted to be new and strange forces in the business world. The case of Macullar vs. McKinley, * appealed to the Superior Court of New York City, is the leading one in the lesser courts. Two of the judges took the position of their being agents, following Ormsby vs. Douglass, more particularly Eaton vs. Avery, the outgrowth of the former in the same court, the other judge dissenting in language so pertinent that it is here given.

A principal is chargeable in law with information communicated to his general agent, or to his special agent in the course of negotiations relating to a particular business; but I cannot understand on what theory Bradstreet & Company can be regarded either as the general agents of the plaintiff, or as their special agents with reference to the business transactions between the plaintiffs and their customers, so that information communicated to them can be held, in law, to have been communicated to the plaintiffs themselves.

In this case the defendant had made a statement to Bradstreet & Co. of his pecuniary condition, who sold it as a report of his standing to the plaintiffs. The defendant failed, when action was brought against him for obtaining goods under a false representation, as they were alleged to have been sold on the faith of the statement made to Bradstreet & Co. In pointing to this feature of the mercantile agencies, the expedients to which they may be put should have attention. A false statement made to them, a customer may be misled; in case of failure that much of the wealth of the country goes to waste; one may use them for swindling by making false statements, the customer in turn may use them to terrify by having parties published through them; or they may be used as evidence in the courts on the allegation of a customer that he has been deceived by his purchase. To this extent they would repair the damage they do to customers, but the

^{* 49} N. Y. Superior Court, 5.

^{1 83} N. Y., 31-

substantial reparation must be from those whom they palm off, branded in character and fortune, on the advice of "informed" and "reliable authorities." It is quite common to threaten persons with the mercantile agencies; while it is imagined by some people that a passport from them is indispensable. So it may very readily be seen how honesty and freedom of commerce

are affected by and through these systems.

They start out by assigning to men their fitness or unfitness in point of personal and material standing, when afterwards, on learning they have been duped by some one who cunningly saw his opportunity, instead of making good what has been lost on their account. it is much cheaper to help the losing customer to get even with the "liar," by appearing as witness against him. If a customer loses by them they are "not in it," only their good offices in fastening upon those who make statements to them, that they are liars and swindlers; and yet they pretend to have all the statements made to them criticised by "reliable authorities" of their own choosing. It looks very much as if they mark, brand, and offer for sale, "the three C's" of the people of the country, their character, capacity, and capital, and if a customer has been deceived by their representations, they would help him punish the other man for their own responsible act. And yet, it may well be understood they are a scanty few who use the same care in exposing their assets and liabilities to the mercantile agencies as they would to one who had a direct and personal interest in knowing; and judging by many of the statements made to the " necessary aids" by early events, one would suppose the possessions so scheduled had been but snowdrifts under a summer's sun, or if the possessions were verified, such a troop of creditors had turned up from unexpected quarters, one might well conclude the maker should not have had part or parcel in any of the C's, unless cunning were substituted for the standing he had earned before "the business world" through the channels that bear the promise of its promotion and protection.

But apart from the swindlers and sharpers who generally are ready with their exhibits-and here it may be noted the British Societies had a different use for these names—there are a great number who do make conscientious statements of their affairs to these systems, many of whom, however, on a sudden turn of fortune may appear to have made false enough representations of their condition. The impressible though honest man does almost invariably, as he must have his passport to the haven of credit. But conscience or honesty is of no avail before a suspicious creditor. Whether mistaken or unfortunate, he would force the maker of a statement, a copy of which he had bought, into court, and call on the mercantile agency that sold it to prove its falsity by producing the original. The principle of liability to third persons is shown in the familiar illustration: "If A casually or from vanity makes a false or exaggerated statement of his pecuniary means to B, or even if he does so with intent to deceive and defraud B, and B communicates the statement to C, who acts upon it, A cannot be held as for a false representation to C. But if A makes the statement to B for the purpose of being communicated to C, or intending that it shall reach and influence him, he can be so held." The law is in the illustration: the effort to project the mercantile agencies into it is in the opinion in Eaton vs. Avery, which may be entitled the constructive energy of the law that grew from a germ of precedent to eventuate a bolstering of special interests.* The plaintiff had bought the statement of the defendant from a mercantile agency, which had procured the same to sell to any customer who wanted it. The gist of the majority opinion is as follows:

A person furnishing information to such an agency in relation to his own circumstances, means, and pecuniary responsibility can have no other motive in so doing than to enable the agency to communicate such information to

^{*} The judge who delivered this opinion, as a practicing lawyer, was a famous corporation specialist. If there is anything in the adage, "Like sire like son," the curious may learn some opinion of the son as a monopoly promoter in the case of Parker Handy et al vs. The Cleveland & Marietta R. R. Co., Court of Common Pleas, Washington Co., Ohio, and remarks thereon by the Marietta Leader, Nov. 24th, 1855.

persons who may be interested in obtaining it for their guidance in giving credit to the party.

"Fraud is not purged by circuity." Now, with these statements, false or apparently so, who perpetrates the fraud on the customer; the mercantile agencies that sell them as a commodity, or the customer on himself. who is told by the law that in bargain and sale he must beware of his purchase? Now take the illustration and put it in form to fit this decision, bearing in mind that not from any interest they have in the makers, but the mercantile agencies procure these statements to sell to the "business world." "If A casually or from vanity makes a false or exaggerated statement of his pecuniary means to the mercantile agencies, or even if he does so with the intent to deceive and defraud the mercantile agencies, and the mercantile agencies communicate the statement to the business world, who act upon it, A cannot be held as for a false representation to the business world. But if A makes the statement to the mercantile agencies for the purpose of being communicated to the business world, or intending that it shall reach and influence it, he can be so held." It will be observed this "business world" is an intangible something of the mercantile agencies' own creation; and besides the intangibility, a rule of law comes in with a principle, namely, that in its treatment of particular cases the law does not deal with the world. To use the legal phrase, it is too remote. In general the mercantile agency man approaches A, saying to him that as he is getting up matter for his reports he would like to have his statement on which to found his rating. Nothing is said about his representing C, or any customer of the mercantile agencies. In fact, he is as ignorant as A is, if the latter ever heard of this new creation of a world, as to who will be the purchaser of the statement, for it is well known that the majority who give credit are not customers of the mercantile agencies. The impression conveyed is to make a report founded on the statement, and assign A his rating. And the same impression is made on him should the request be by letter, although the more formal language may be used, that

numerous subscribers are making inquiries as to the responsibility of parties with whom they have business relations and the statements are asked for as an aid in determining this responsibility. The object being so general, A may have the liberty of concluding for himself that no one who is interested in his standing would go at it in such a roundabout way; and besides, he can ask himself the question, What business has a mercantile agency, or anything else, having no interest in him nor he in it, in determining his responsibility? From vanity, or some other motive, there are a great many who aim to have the largest rating possible, and A may comply. He knows there will never be any occasion of his defrauding the mercantile agencies by exaggeration or otherwise, as would cause them to invoke the law for deceit, for he has no dealing with them.

Differing from the law, however, which assumes every man to be truthful until the contrary is shown, the reporter, or the office that asked for it by letter, does not take A's statement thus obtained as a truthful exhibit of his pecuniary condition, but it is submitted to "authorities" for criticism, and when the report is written the rating is founded not on the statement itself but on the criticism and what the compiler thinks fitting. Now if the customer is guided by the rating does he not accept the representation of the mercantile agency, or if he elects to believe in or speculate on the statement of A, but which the authorities, etc., have criticised adversely, does he not repudiate the advice of his so-called agent? The whole thing in a nutshell is, the mercantile agencies having forced their customers to release them from liability for "errors" they commit by the reports they sell, they would aid the customer in charging his loss to the misrepresentation of the other fellow, who is in ignorance, no doubt, that there is a business world so stupid as to be injured by what he says of himself to a meddler in his private affairs.

And as a rule, they underrate the face of the statements they secure. Suspicion and attack upon reputation are fundamental of espionage. In theory, at least, the law shows no favoritism, and it is a poor rule that does not work both ways. What is A's remedy for having his truthful statement or character adversely criticised and underrated, and thus his reputation published to the world? Capital is timid, such act is a standing menace to his credit; who is to answer for the injury when he receives from a credit dispenser. "From information we have, we do not feel justified, etc?" The mercantile agencies would not, for as they are a necessity to the business world, and recognized by the usages of commercial communities, they are privileged in their sales; the credit dispenser could calmly overlook the injury, for it is his privilege to reject any application for credit he pleases; and should any one ask him about the standing of A, he could answer with truth, that while he knew very little about the party, he once declined to give him credit on the information he had. And what is the remedy in those cases, where reckless or incapable employés of the mercantile agencies make the most flagrant botches of these statements; or in regard to the great bulk of the reports they send out, which are founded on no statement at all, but mere hearsay compilations mingled with the reporters' or correspondents' notions of credit standing and choice of diction, many of which, moreover, are veritable tissues of representation from "authorities" that mislead and injure? Strange times, queer law, new forces. Not who's hurt, but who's to be protected in the pursuit of money, and who made to shoulder the blame? The fellows on the outside foot the bill.

Are we a nation of swindlers and sharpers, or are the mercantile agencies against commerce and the law of the land? They are said to be a necessity; and if we are a nation of swindlers and sharpers, excepting their customers who promote them and aid in establishing their usage, it is quite clear that, like the British Societies, they could make of themselves invaluable necessities in protecting their abettors from the roguery of the rest of the people. And if their work, in its methods and character, is for the purpose of what they claim, it would seem they have a correct estimate of

us as a people after all. Spying on a people signifies they are criminally disposed; and not believing their statements, which are confirmed or refuted by outsiders—strangers, perhaps, to all concerned—shows withal we should consider ourselves a nation of liars. But in dealing with such a people it would seem the best of precautions ought to be utilized, which experience has not found to be in the mercantile agencies, as through them their customers are swindled at times in the most atrocious manner. This may result from their undertaking to hunt down too many at the price they pay

others to do the job for them.

We find, however, in their analogue, the law is averse to accepting the admissions or statements of those who make it a business to worm from suspects, or by eavesdropping, as evidence of what is suspected against them. But with this difference; while the mercantile agencies prepare beforehand to inculpate the suspect who will have violated some right, they bear evidence not for the public good but for the good only of those who patronize them, in escaping the responsibility for what they represent. And if there is an antipathy on the part of the evil-minded citizen for the spies and detectives who go in partnership with government to discover and inform against them, what must be the feeling towards the private systems that do a similar work among the whole people for the benefit, whatever it may be, plus the greatest pecuniary benefit to themselves, of a particular number? Of course the criminally inclined detest the object that shadows their personality and employment; and the nation being a collection of swindlers and liars, with the aforesaid exceptions, those who belong to their own creation, the unexpressed feeling with the populace against the mercantile agencies must certainly be one of deep-rooted aversion.

But in law, when a confession or admission is extorted it counts for naught as probative material; yet in extorting these statements the people have been pretty well warned by the implied threat that if they are not made to the mercantile agencies when called on to do so, they may not expect to stand so well before "the business

world." And should they decline to notice the hint, and as a report will be circulated anyhow, the information for the necessitous customer and the rest of this business world will in all probability read: "Called on A for a statement of his financial condition, which he declined to make. We hear nothing of him one way or the other. Until he demonstrates his safety for credit, cash transactions would be advisable." Such a report ends with a blank rating as to A's personal and pecuniary standing. For all that, he may be an excellent man, succeeding at attending to his own business, out of debt, and worth a good many thousands of honestly earned dollars. If the reporter or correspondent is instructed to investigate him, they could gather nothing more than hearsay and opinion, which may be more misleading even than the above piece of empty assurance. And still, the full extent to which organizations of this kind may ply their trade may be found in the elasticity of principle and the constructive energy of the law. A private organization, or public one as for that, put in motion for spying upon the private conduct and pecuniary standing of the people in the interest of a class, is a perversion and abuse of the civilized rights of society; neither can become a component in that rational and elevated public policy planted in this soil by the fathers. "Yet I had planted thee a noble vine, wholly a right seed. How then art thou turned into the degenerate plant of a strange vine unto me?"

CHAPTER IX.

It has been seen by what dogmatic comparison these new forces would bring themselves within the protection of rules and principles that were crystallized into law long before such systems were possible under any notion of necessity or right. Principle is elastic in the interest of civilized conscience. And while the mercantile agencies would establish themselves as the agents of their customers, their reports privileged, false statements made to them incurring a liability of the makers to their customers, a glance will be taken as to how they would eschew these same principles, after courts have repudiated the assumption-since they started out to claim everything in the plan of protection, to escape liability for their acts. What the relation is there may be with their customers, they endeavor to set it out in their written contracts, so-called. "An agreement which is enforceable by law at the option of one or more parties thereto, but not at the option of the other or others, is a voidable contract," and contracts against public policy are forbidden. Public policy covers a wide range, but especially does it forbid an interference with private rights without due process of law, and those acts which operate against or have a tendency to restrain or injure trade and commerce.

It is not conceived what could hinder more by the act of man in time of peace, or be more subversive of trade and commerce, than for him, whether he is engaged in commerce or not, to usurp a hierarchy over the credit and personal standing of those who are so engaged. And not only this, but to assume such authority over every citizen who may be subject to his estimate and report, as, in the ramification of human affairs, any citizen is likely to have his private standing asked about. Thus, it may be seen, an offense is

committed trebly—against trade or commerce, the individual, and the collective rights of the people. As to the contracts of the mercantile agencies, their one-sidedness, in their favor of course, shows their voidability.

But to return; are they liable for breach of contract, fraud, or negligence? Broadly, they say no; their contracts so stipulate. The reason given is that their "duties are of such a delicate nature, exposed to the commission of those acts which incur liability, they would relieve themselves so far as the law permits." This means they release themselves from liability to their customers when injured by their reports; but what the law permits in respect to a self-denial of responsibility is a question which involves a great deal of elasticity. Hence, those they wrong who are not customers, the answer is, they are privileged characters; those customers they injure are estopped in their remedy by a formal pledge. Such is the extraordinary stand they take, absolved from all responsibility by a shrewdly drawn instrument, and by some judicial casuistry, dribbled forth from mouths that tasted in expectancy, perhaps. "Fraud, in its moral import, is a term that defines a wide range of conduct, although in law no exact definition has been assigned to it. As such conduct may be illimitable in human intercourse, courts do not draw the distinguishing line, since in correcting or punishing the deceit that accompanies every fraudulent transaction they would make no limit in affording redress for this most subtle of wrongs. Yet it is, however, in the absence of contrary rules, the law considers that fraud which is so considered from a moral point of view. One of the exceptions being, a purchaser must look to his bargain although the vendor may have used methods of deception to induce him to buy," This exception obtained its judicial recognition when the spirit of the time made its force felt, that a greater latitude should be given to the art of money-getting, although morals and antecedent law may have been abashed by those "tricks of trade," which are graduated from the most successful schools of cupidity. As the mercantile agencies deal in a commodity whose quality they especially do not guarantee, it is not seen why this exception should not apply to the customers, unless, as suggested, they provide themselves beforehand with a written promise over the exceptional rule.

The essence of fraud is in misrepresentation, and its actionable quality is in the degree of its grossness, so there are some "tricks of trade" which are actionable although the purchaser had exercised ordinary care in looking to his bargain. And this has been shown by very respectable courts in those cases where the mercantile agencies were held liable in damages for circulating reports, willfully and fraudulently, communicated to them by their agents and correspondents, although they expressly relieved themselves of all liability for the conduct of those whom they employ. In these causes of action against them, that is, on the part of the customer, deceit, negligence, or breach of contract, the subject-matter is the secret commodity they sell, on hand or to be got, which consists of the habits, character, capacity, resources and debts, and the general reputation of persons, put in vendible form and called information. As this is an immoral trade, it follows that no right of action can be founded on it; and as the customer has been a party to it and got stuck, instead of trying to recover his loss from some one besides the real party who got away with him in his purchase, he should realize that his losses are but chickens coming home to roost, by his aid and promotion of an immoral occupation.

But courts have recognized them civilly in this respect, for although the mercantile agencies would relieve themselves of every responsibility before the law. frequently they are brought into court on some one of these charges for damages; less frequently, however, for fraud or deceit because of the difficulty of proof, especially against them directly, as their methods are predetermined for the purpose of making intricate, or for removing from discovery, the acts which brought about the injury. In assertiveness they fly high; in

abnegation they crouch low.

But at all times they are very much in evidence as

supervisors of other people's affairs, although so hard to find out; or, more to the point, they are a private judiciary, self-appointed, for administering in secret the state of the character and credit of the living throughout the country. Tribunals of private ownership, put in motion by those who accept their judgments—their customers, who are called principals, the owners agents of the principals, but who exercise all the functions belonging to their tribunals and receive the profits in right of proprietorship; and moreover, the great body of agents of the agent-owners, but called sub-agents of the customers, and who really are the jury and pass judgment on the private reputations, are not allowed to be known to the customer-principals while the agentowners appoint and discharge them. It took a Philadelphia lawyer, or one just as astute, to invent a tribunal of this kind, attaching no liability to it or right of appeal from its closed-door proceedings, confusing the ordinary understanding and for putting to rout the plain, every-day law the people suppose they live under. There can be but little doubt that such tribunals are dynamical, powerful and mysterious as electricity itself; so it may be surmised the agent-owners. as a matter of preservation, would prefer being principals at the negative pole, while the customers as principals would be placed at the positive charge.

That is another way of doing it, in putting it on the other fellow, but courts look to them and make them responsible, not only as owners but as principals, for the wrongs perpetrated through their tribunals. And it has been seen when the mercantile agencies were brought into court on the charge of some customer, they have confessed to being principals, or the courts on their own motion have shriven them, instead of the customers holding that position, as the object is still to put it on the other fellow, since they have disavowed the acts of their employés, who, in fact, initiate the cause on which the customers found actions for negli-

gence or breach of contract.

Now, here is a change of tactics. We are informed that, while the law holds the principal responsible for

the acts of his agent done within the scope of his authority, yet, as the law permits a protection by contract against the negligence, etc., of agents in certain instances, the mercantile agencies avail themselves of this permission. It will be noted now, in the litigation with customers the tables are turned, as here they are principals in relation to their customers, instead of being agents; the employes, instead of being sub-agents of the customers, are now their acknowledged agents, But it is any turn to get out of the difficulty. Thus we have the grand scheme. They are the agents of their customers according to the opinion in Ormsby vs. Douglass, and being such their communications or reports are privileged as against those they report; but as against their customers they are principals, since they are released from the acts of their employes, who really start the mischief. Then again, they are agents when their customers are damaged by the alleged false statements sold to them, as then they would help the customer in putting it on the makers. In other words, as to the wrongs they do the public, or the individuals who do not belong to their business world, they are agents, since privilege may be claimed for what they do; as to their customers who haul them up for negligence or breach of contract, they are principals, since the injury may be laid to their employés, for whose conduct the customers have contracted not to hold them responsible. This is doubtless the reason why they desire to get as many statements as possible, which they mutilate as they please by criticism; for while most of the reports they sell, containing no word or suggestion from the subject, put it on them without alternative, whereas, if they contain the statements, this seems to be preferred by the customers, who in losing by them may get the help of the mercantile agencies in putting the deception on the makers. But, how variable they may be in their positions, turning from one assumption to another in shuffling the law, courts have shuffled with them in what they ask.

As to how the customer fares, illustration may be taken from happenings as disclosed at some of their

trials. Suppose a reporter or correspondent, who are co-efficients in supplying them with their commodity, the correspondent being the reporter where they have no office, had a particular friend, or is a blind partner. and a customer desired a report of this friend or part-As the reporter's name is not divulged, and the mercantile agency for whom he reports, especially if he be a correspondent, not knowing anything about him or the party he is called on to report, is there not laid open an opportunity for fraud and misrepresentation that this friend or partner is more than he really is in point of character and pecuniary responsibility? Taking the people as is suggested by their being spied upon, it would seem the opportunity is the very thing wanted. This point of view should not now open up the infinite range of prejudice, ignorance, self-interest, and the desire to speak well of one's neighbors, by which the customer may lose either in crediting or in not crediting, although these are elements to be considered, and which necessarily the customer must speculate on, in every report he buys. And why should not the local Cæsars be secret powers in their communities, as is the imperial Cæsar over all, each one mightily protected by his imperial head, unless circumstances so alter the case that the head must sacrifice some member in order to rescue itself?

It will be said these happenings are of rare occurrence. Yet the opportunity is ever present, and if the people are so generally bad, why should it not be the practice? If one is watched he has enough of the original sin in him to be tempted to give the watcher something for his pains; and why may the reporter be exempt from the contagion of those he circulates among, when he occupies the position of being the only watcher upon himself, should he be inclined to report his own interest or prejudice? If, however, we demur to the charge implied in the vocation of any man or set of men that we are a bad and unreliable people, would it not be well to establish a principle in this instance, that before one citizen shall be impaired in his hone-toursuit by the mercantile agencies, it were better

destroy ninety and nine of them, if so many should be

found plying their trade?

As a matter of business, there is no doubt but that they use every means to conceal the names of those who supply them with their commodity before making the self-preserving disclosure; and failing to stifle the law at all other points, the last resort, in suits brought against them by their customers, is to mix it with the Statute of Frauds and Perjury. In the states which have adopted this statute, the object is the same, namely, "That no action shall be brought whereby to charge any person upon, or by reason of any representation or assurance made or given concerning or relating to the character, conduct, credit, ability, trade or dealings of any other person, to the intent or purpose that such other person may obtain credit, money or goods thereupon, unless such representation or assurance be made in writing, signed by the party to be charged therewith." How the mercantile agencies connect themselves with this statute, is not understood, unless it be by the evolution of expediency when they get in a tight place. If A applies to B for credit, or money or goods, stating he does so at the instance of C, the latter may not be charged therewith unless A furnishes his representation or assurance in writing, signed by him. This is perfectly right as a guard against those given to swindling and lying. And the mercantile agencies so estimating human nature, their customers are notified they do not hold themselves responsible for the commodity they sell, although supplied to them by their appointed agents. Unable to dodge responsibility with the assistance of their one-sided contracts, they make this vicious thrust at their selected agents and employés; and probably it is on this account why peregrins* are so largely preferred in overseeing the

firms to register the names of partners, time of formation, residence of each,

^{*} At all times the peregrin is described as a cosmopolite—the man from somewhere—who is here or there, exploiting his material advantage in the state, without becoming a citizen. Hence the name of a bird of prey—the peregrine hawk—which wanders over the face of the earth, tarrying here and there as it finds its quarry. Generally they have much to say in criticism of the people and their institutions where they sojourn, replete with comparisons and suggestions. They have much to do with legislation and judicature in regard to the projects which engage them. The history of many countries shows this to their disgrace or ruin.

A recent suggestion from one of these is, a law ought to be passed compelling firms to register the names of partners, time of formation, residence of each

production of their commodity, and as willing instruments in their defenses.

But they do not seem to have been able to plead the statute with effect except in the Court of Appeals for Upper Canada, which, of course, is considered by them to be the true application, as against our own courts to the contrary. And the Canadian court, which, by the way, disagreed in construing the statute, is so insistent on the application, that if the mercantile agencies are not intended to be benefited by it they should be excluded by a special clause. Beyond doubt they desire all the states to enact the statute, but not to exclude them by special clause, as this step would produce an undesirable notoriety, so when they make an oral representation to a customer, who is endamaged thereby, he must produce the written evidence, signed by them, that the representation or assurance was made. Many reports are given out orally, which the customer may imagine is done as a matter of precaution against the party reported, who might get hold of what is written, or the exact words said of him be more communicable. But this precaution is chiefly for the purpose of using the statute against the customer. Yet the action of the customer is on his contract, express or implied, however the mercantile agencies may twist and turn to get out of it, as our native interpretation presents quite clearly. In Sprague vs. R. G. Dun & Co, * before the Philadelphia Court of Common Pleas, we learn:

One who is under an express or implied obligation to keep his principal or employer well informed, is answerable not changes in firm personnel, etc., etc., also those ending "& Co." to register in like manner who or what the "& Co." stands for, all under penalty of \$200, half to the informer. The fee paid by each firm as registered, and the record open free to the public. To this extent manufacturers and wholesale houses would be protected from "unscrupulous dealers" (retailers). It is not a part of the intelligence of this eager inquisitor to know that already manufacturers and wholesalers may secure this knowledge, and if there is hesitation on part of a contemplated debtor—"unscrupulous dealer"—to make the disclosure, they are not beand to deal with him. But may not the suggestion be more a solicitude for another purpose? There are men who will not make statements to the mercantile agencies. They would be coerced to this extent by the state, when the free record would be a mine for an article of sale. Another opening for the spy and informer; more frees and charges on the public. If the time was ripe, a better suggestion would be, to have the state compel persons when called on to make an accounting to the mercantile agencies of their personal habits and pecuniary condition, etc.

^{* 12} Phila. 310.

only for false statements, but also for not using due diligence to ascertain the truth and communicate it when occasion requires, and as the statute will not preclude a recovery on the former ground, so it should not be a defense to a suit brought on the latter. The criterion seems to be, is the alleged tort also a breach of contract for which a recovery could be had without proof of a scienter, although, where the circumstances are such that the defendant would be answerable ex-contractu, the case will not be within the statute, because the fault is so gross as to be equivalent to a fraud, or such as would have sprung from a fraudulent intent.

Disregarding the fact that they are independent dealers in a commodity, the court went so far as not to take them at their word in actions with their customers. And observe further in this opinion, "If the defendants mean to rely upon the statute, they should either make written communications to their subscribers or else inform them that they are not legally responsible for the truth of what they say," which they

made haste to do.

Now, is this not a commentary? Establishments that sit in secret judgment on the character and pecuniary responsibility of a people by selling the representations of others, but not responsible for what they do. In accordance with the decision which construes the Statute of Frauds and Perjury with reference to the mercantile agencies, the parties in the illustration are left out of the question, but there is a continuing contract between D and E so long as D is his customer and chooses to hold him to a contract, which he could avoid, and make him principal, that E will diligently and reliably do those things in respect to what he agrees to do, as the law will imply should he attempt to evade his responsibility. This looks like individualism or personal accountability, which the mercantile agencies so strenuously avoid in shaping a socialism of their own.

But circumstances alter cases, as we are told along the serpentine course of building up a system of law unto themselves. Yet through it all the mercantile agencies have no interest in credit responsibility; they rely upon others for their commodity, in which they have so little confidence they would relieve themselves from the results of its wrong, and their own sales are for cash. Others can be just as magnanimous as some of the courts; the next time a customer wants his damages, let the satisfaction be with a caveat emptor, let the buyer beware of what he buys. Not so long ago, however, after the publication of Errant's law which destroys a main position in his book, a prosecution has altered the circumstance of a hitherto reliant support. And it was brought about by a defiance of law. Before, they had pursued the course which has been indicated to secure judicial expressions, always on the defensive, insinuating themselves by degrees of comparison before compliant courts. But now they would attack the law, and in doing so, the apocalypse of what they are, and the animus which prompts them, is revealed. An aggressive, despotic, money-making device, under a deceptious title, which would make every nook and corner of the land yield to its purpose on its own terms.

South Dakota had passed an act prohibiting such business as the mercantile agencies under certain requirements. A deposit of \$50,000 was required with the state treasurer, an attorney appointed on whom process could be served, two per centum of their receipts paid to the state, and that an annual report of their business should be returned to the Department of State. The object of the deposit was no doubt to satisfy judgments against them, as they had no property in the state; and the appointment of the attorney made it necessary, as their representatives are hard to find, although multitudinous, when court processes are to be served. Instead of complying with the law, an emissary was sent out to break it, when he was arrested and duly subjected to a penalty. The act was bombarded from every conceivable point, mainly on the high ground of its unconstitutionality. It was contended that the mercantile agencies as instruments of commerce, like the railroads, steamboats, and the telegraph, which extend beyond state lines, they, too, should be above the shriveled localism of a state law. But the Supreme Court of that state turned a deaf ear to the suggestion,

and affirmed the sentence.* Still arrogant and determined, they removed the case to the Supreme Court of the United States, where it has been pending for over two years, but during the pendency the mercantile agency in question is enabled to carry on its traffic in reporting the reputation, etc., of the citizens of that state.

We had been told that, as it would be against public policy to permit common carriers, inn-keepers, and other persons engaged in the exercise of a public calling to protect themselves by contract against the negligence of their agents, yet the mercantile agencies have the right. It must be inferred this right was claimed because they were engaged in no similar calling. where the right came from is still a mystery, unless it be they have one policy for the West, another for the East, and so on, each protected by the majesty of the law as its principles may be stretched to fit the particular case; or, as an untold thing, it may be abiding with the shades of the great lawyer who launched them forth from his cunning brain. And yet, by this attempt on a law of the West, the claim so strenuously contended for through the last fifty years is abandoned. Here they would have themselves placed in the same category with the very objects, the acts of whose agents cannot be protected against by contract. Then would they be so intrenched that the game of fast and loose may be played with the law as self-interest dictates. Consistency is a jewel, until it stands in the way of arrogant greed, led on by the jingling magnet. At work clandestinely, is it not a matter of public concern, since the public which pays for them is the field of their operation? and certainly the railroads, steamboats, telegraph, which brotherhood they now claim to be a member of under the protection of the Inter-state Commerce Act, would not think of relieving themselves from the conduct of their agents as such. There, too, seems to be a reapproachment to the commercial traveler in this step, who is also protected by the act. It is quite patent that if it could be shown the mercantile

^{*} State vs. Morgan,

agencies are a necessity, yet dealing so intimately with the privacy, and in general all unconsciously, of the persons they most affect, they should be brought under government control; giving every citizen his full redress, and requiring of them, not only to stand before the law* when charged, but to make good the judgments

of the courts. †

There are, however, courts and courts. Those that interpret law with no regard for what they do if only the money interest be conserved, are but conforming to the cult of a despotism bottomed on the selfishness of capitalism, which emits already a power and influence shocking to many, as it is perilous to all. Mercantilism, more and more intensified, in a republic it can have its goal only in plutocracy, which finds its first support in legislative manipulation and judicial propagandism. The alarm may well spread when the repetition is shaping of how such economic condition destroys the national and individual life. It is a materialism that counts posterity out of the question.

^{*} While all take the plaintiff into the federal court when they can, those operating as alleged co-partnerships have a method of their own for defeating him. It is well understood that citizens of different states may have their litigation in the federal court if the amount in the controversy is \$2000 or over. The co-partnership claiming to have no agents, the plaintiff must bring his suit within the jurisdiction of a partner's domicile, unless one of them can be caught in his jurisdiction, for service. In courts that do not accept the principle laid down in York 18. State [137 U. S. 15) the first plea is to the jurisdiction, when the plaintiff, whatever the distance therefrom or the state of his circumstances, must seek his redress in the jurisdiction of the non-resident wrong doer. In the courts that follow the principle, viz., when the defendant pleads in any manner or through whom authorized he owns his appearance, the practice is to ignore the suit, and if judgment is given by default, to defeat execution injunction is sued out from the federal court on ground of no service in the former court. In order, however, to do as much as possible to defeat proceedings in that court, the local agent served is procured to file his affidavit he is not such agent, and to draw the court's attention to the state of things attorneys of mercantile agencies, orally and on their motion, after advising the court they speak only as amicus curior and representing no litigant, have been known to succeed in making the desired argument.

[†] The last legislature modified the law, and now they are located in South Dakota. It is not known the modification was an issue before the people, but it is understood the necessary influence was brought to bear. The constitutional issue is pigeon-holed, of course,

CHAPTER X.

INTELLIGENT customers, most favorably inclined towards the mercantile agencies, give as a reason for buying their reports that, while they are not governed by them, they hope to be aided in obtaining some general assistance in the advancement of their business. This is on the principle that any aid would be acceptable which promised an increase in volume of business, and consequently an increased opportunity for accumulation. The desire is a growth, that after one has assured himself of a competency, even to the extent of living better than his neighbors, further accumulation is inspired by avarice or covetousness. This covetousness may be the supremacy sought, which places man above his fellow creatures. Tireless and sleepless in the quest of gain, as the physical body may withstand the strain, is by no means an imaginary portraiture. "The love of money is the root of all evil," is not a meaningless adage worn out by repetition. For as his energies become absorbed, man may grow by avarice as he is inclined. The final lesson then is, right may be ignored except in matters of policy, either as a saving grace from punishment, or for keeping on the good side of those who may contribute to the lust of a thorough-going absorption.

Every community knows the effect of this desire, and to check its tendency laws of a restraining character are passed, if, as we find, they are not always enforced, or there is a way of beating them. Hence, with the means at hand for its gratification, any agency that promises the end is seized upon with avidity. There are thousands of men that accumulate,—honest, noble, sympathetic,—who, without sounding their inner consciousness, will say this view is harsh, but rather it

should be applied to those who accumulate for the love that wealth bears to the power of doing wrong unpunished, or for cutting a swell over others. The man who leads an outwardly honest life, and accumulates, as the saying goes, by magic, is no sorcerer, nor has he a special providence that takes delight in overwhelming him with earthly possessions. Generally, he would acquire to the extent of his desire, aided by a temperament called business foresight, at taking the advantage. With sensible people his success is not excused by acts of charity or philanthropic deeds, which are usually brought to notice for popular applause, for it is too often these memorials and tokens of humanity are paid for out of the wrecks and distress the advantages he took have produced. There is no doubt if the means for the expense of these seeming propitiations had never been wrenched from the proper places, there would be a great deal more of happiness and true benevolence. But it is a long time yet, before conscience shall be so rich in morals, or so sterile in selfish desire, that the love of money may not find its fructifying source; and the wonder will continue that men of superior attainments are outstripped in the race for wealth, mainly on account of being less skilled at taking the advantage.

Yet, in its pursuit, it would seem those agencies would be employed which are within the recognized principles of law and business foresight, especially as they are more direct, reliable and educative of an honorable and more pleasant intercourse. Any man, the business man in particular who loves conservatism, in whatever way he may be moved by the caprice of self, would, it seems, prefer to see the established idea of his government upheld; and certainly he would be guided by those rules of law which best conserve his own interests. It is known the mercantile agencies besides, cannot supply the place of those vehicles of information the law fully recognizes; while the frictions they produce, the wrongs and distrust they bring about, are the greatest evils in an intercourse which should be marked by friendship and confidence. If there is revolt and anarchy in the human breast, what produces it? Surely

not fair dealing. And the bold manner in which they infringe or defy legal principle and statutory enactment might put on inquiry those who know that stability of government and common right are of vastly more importance than any possible benefit which they may promise to a class of persons. It is true they may furnish a clew—a basis, as some of their customers say, but at last, unless he seeks his advantage in speculation, does not the customer follow up the clew on his private account to learn its value or truth? Time is lost in following clews and in private investigation of the substructure of bases which attest their own misgiving. The mercantile agencies certainly publish very largely the names of those who are classified as traders, etc., and the kind of business these are engaged in; but the arbitrary ratings of credit and pecuniary worth, attached to the names, could hardly influence the prudent business man. Still, standing or character is the very essence of what the customer desires to know. Granting credit is an action, beginning with, as it belongs to the specific agreement; in movement, time and confidence are its essential qualities; and while these relate to no other transaction, it is yet affected by other transac-But furnishing the names and ratings, the tions. occasion of their collection remote and unknown, is all the mercantile agencies profess to do in their books, and the customer is warned beforehand that they do not youch for the truth of the article they sell. It seems the steady-going business man would wish to avoid such confusion. Thus, they do not give facts for men to act on in the "promotion and protection" of their interests in the most subtle feature of trade, but simply names and occupations, with their symbols arbitrarily attached of pecuniary worth and character standing.

Omniscience is capable, but when a human invention thus undertakes to symbolize an unlimited number on short order, it may be a discovery to some people that great wrongs may be committed, both to those who are symbolized and those who use these symbols in the administration of their affairs. The mercantile agencies know this, since they struggle so hard to disown their liability. In secret, or openly, a thing may be symbolized, but it is a counterfeit of what it represents; and when they say that any interest is promoted or protected besides their own, the pretense should be modified in that only those who patronize them are intended. and these must not take them at their word in a literal sense. The promotion and protection, if a matter of necessity, should take in the whole circle engaged in commerce, and yet but a very small segment is selected as the chosen beneficiaries. But judging from the number of these who complain of being "worked, bitten and cajoled" by their promises, the use of such aids has resulted in the realization of an unmixed evil from which they too would be glad to see a speedy deliverance. While it cannot be shown with mathematical exactness, it is believed that the losses incurred by following their reports exceed greatly any gain they may be instrumental in bringing about. Probably this should include the loss of the gain in not dealing with persons who are reported adversely in point of moral standing, or in that the pecuniary situation of some other is totally misrepresented, or a doubt thrown upon it. The synthesis of the belief is, however, pretty well justified by the ratings, and the business failures, in which the preponderance of creditors is not with those who rely upon their private and correct systems for obtaining credit information. Why should it be otherwise when the true and false systems are compared?

It is well known how valueless a service is regarded, one in which a specific performance is the sole purpose and the claim laid to doing it well, when the promise is accompanied with an empty assurance the best will be done, but no responsibility shall attach if it is overdone or not done at all. The mercantile agencies have no direct interest in those they report; and having thrown around themselves every immunity by contract and concealment, they enter on their work to secure results as they please. This freedom and lack of responsibility can but produce the inevitable effect of a reckless disregard for representations made by them,

or the manner in which these representations are acquired to be uttered for a price. They are untiring solicitors for patronage; advertising with them is a fine art, and while the impression is made they are powerful and far-reaching, the sum of the various things they do is yet not half told. The capitalist, on being solicited to invest in securities, demands to know what is behind them. Being told that while this was not known, yet the holders made a considerable stir in the world and would make any promise so they may not be bound, the investment would be declined promptly.

The experienced customer knows that the usual process of the mercantile agencies in procuring what they sell as information is a mechanical formality; no interested intellect is exercised in skimming from the handiest or most communicative authorities that may or may not impart the whole truth, an unprejudiced or disinterested opinion, or a story many times told repeated just as it was heard. It seems no effort that can be imagined should have more thoughtful care than the communications which narrate the private character and circumstances of persons, giving them secretly a credit status, yet, how careless and ignorantly it may be done when neither interest nor responsibility guides or restrains; and how reprehensible are some of the devices that pretend to do this work, employing as assistants the most unworthy, perhaps, because the least expensive or most subservient to rules that make the one interest of profit paramount!

The extended reports in stock must serve all customers alike, read to them or a copy given out; and what is on hand, if not more than six months old, must be satisfactory, unless some favorite or large buyer demands a later one. Got in the first instance without any regard for the customer's transaction in hand, and covering a space of time in which credit conditions undergo many changes, a purchaser may buy a very good article apparently in relation to a very poor subject, while on the other hand he may buy a poor article that as certainly misrepresents the subject. And with each one raising its own diversity of doubt, the probability of

truth or untruth cannot be balanced in the speculative scale at an even chance. The latest report on hand relates the facts about the person or business so far as the

mercantile agencies are concerned.

In general, these reports are kept in stock under the system of what they call revising, or as they are procured at the instance of special inquirers, which serve for the next six months, and the information as called for is copied or read from them. To ascertain when their revisions take place in the larger cities, it were best to learn first when the particular city has a directory published, which are mines of information to them, for commonly, persons and business houses in the larger places are written up as reports of them are demanded, these directories are used in comparing for scoring out names, correcting firm styles, occupation, etc. So these reports in stock, or the ratings in the books based on them, may be antediluvian, as must have been the case with the Ormsby report, the customer not having been satisfied with the one in stock. Meantime, if some extraordinary happening to the reported supervenes, such as death, failure, suit at law, etc., and it comes to their hearing, more likely learned from the newspapers, a supplementary report is made and heralded with a special notice of importance. They are notably industrious in giving the information of a divine or public record, gloating over the chance to communicate the events of death or misfortune, but are unabashed should the really interested customer remark significantly, the intelligence had already been received.

There are four principal means by which the matter of their reports is procured. The salaried reporter who is an attaché of the office where he is stationed. Mainly, he collects the opinions of others, and hearsay which may be floating around; sometimes he interviews the party inquired about, or asks him for a written or verbal statement of his pecuniary circumstances. What he may gather from the party in the way of a statement, is, however, submitted to others for criticism before the report for circulation is written. Then, on the other hand, the party may be written to for his

statement, which if made is submitted to "authorities" in the same way, unless in either instance the reporter or compiler imagines he knows enough to do the criticising himself. But the vast bulk of this commodity is procured from correspondents, who, upon the whole, practically give merely their opinions, or what they have heard, as also they pass upon the statements made by those who reside in their jurisdictions. And when the party fails to comply with the request for a statement, and the correspondent is dilatory from some cause, almost any person in his locality whose address is available is written to, urging that the enclosed questions concerning him be answered at the earliest hour.

It is doubtful if the mercantile agencies know one in a hundred of these neighborhood reporters, the promptest, and those who ask nothing for their services. the most desirable. The few exceptions confirm the rule that correspondents only communicate their own impressions; and without inquiry here as to the extent these may be governed by self-interest, favor or prejudice, or those who are interviewed by the reporter as to the character and responsibility of some one else, the question for the present is: Are the mercantile agencies in a business, by reason of interest or pursuit, to impart that information which involves a thing so delicate as a man's private reputation; or does it raise that liability the law interprets to be a breach of contract or negligence in not supplying their customers with information founded in truth? A perfunctory duty disregards careless acts, or indifference to its performance, if only some substantive result may be shown; and the correspondents who are incessantly bored without compensation, and the authority who is constantly interrupted because "he opens his head" to the reporter, may hardly realize what flows from their offhand courtesies so easily discharged.

But the data of the reports, from whatever source procured, must pass through the mill of the mercantile agencies, where the fine meal is prepared for market, the quality branded and classified by judges that create or degrade characters and fortunes, likely as the spirit moves-and the judges, incapable, careless, corrupt. vicious, immature, competent, how many? In some respects, however, the mercantile agencies do show deliberation, although it may be an afterthought. It may be a contingent "I told you so," in case of failure or other adverse circumstance which may overtake the subjects of their reports, for "all men are liars;" have not their criticism and brands been applied with this natural defect in view? This seems to be taken almost literally, and if there are exceptions no regrets are expressed for the wholesale charge, as the Psalmist did who lived not in a commercial age. According to their symbols over three-fifths of those reported have more or less a smirch which affects their business standing, while a very large proportion is given no standing at all. But this is elementary of the work, conservatism it is called, but a work, nevertheless, that teaches distrust of man; an employment which from its nature cannot

be fair or trustworthy.

There is poor concern shown for the injured reputation of the reported when the "I told you so" may be put on them by the customer, who has obtained his reliable information; but every business has its mistakes; conservatism is the word for those engaged with them in creating the reputation of others, with some exceptions of course. And, too, conservatism is a good injunction in the absence of fact. Yet, with a work that is a law unto itself, why may it not flout the rights of all alike? Besides, it is a necessity, and the customer must have it so long as he counts himself one of "the business world." Whether the reports are founded on hearsay or opinion, or the statements, criticised by this same character of observation, the discrediting process is perfected when the whole is put in shape as stock in trade, for the thought is ever present that it is safer on the side of conservatism to be under as many degrees as may be hit upon than a shade over. The customer is the one to be placated, and certainly, besides the express renunciation of liability, he is further cautioned to be on his guard when the rating is shaded under rather darkly. And this practice may be so well

understood that many make statements with a margin

large enough to meet the cut.

It is exceedingly doubtful if the reporter has other than a casual acquaintance with more than one in fifty of those he reports. Then, practically, all information he is the author of is but his collection from others, which is passed through the mill before the party in question can be said to have his character and responsibility established for the use of the business worldfor customers that are said to recognize and require as necessary the usage of espionage in the conduct of private business. As a general thing, no more than the reporter, those who are interviewed by him, and the correspondent who is interviewed by letter, have interest in keeping themselves informed as to the character and circumstances of persons they are asked to aid in creating reputations for. The most conscientious can express hardly more than an opinion; the best informed might prefer to mislead or not to say anything at all. And certainly it must strike any one that the best informed, who generally have a selfish interest, would not be disposed to publish facts and situations, which being published to a world would more than likely impair this interest. If this view is reasonable, then the customer is at the mercy of those who know the least about the party he inquires about, or the unknown selfish informant through unknown and irresponsible mediums, while his protection against which should be the seller, but whom he has formally released. In business man is selfish, as we are told, and doubtless there are occasions when "authority" would be glad to seize the opportunity for depressing that one's credit or to speak more favorably of the other. Numerous motives may spur him on. A competitor may be in his mind, or one whose patronage he wanted himself; he may feel that a debtor could pay him if he had more credit, or he may wish to play a counterpoint against some one. Let the apologists of the mercantile agencies say what they please, but the fact remains that in every community they are looked upon as officious and meddlesome in matters which do not concern them,

vet as they are secret and hard to trace in the dissemination of their reports from the sources of supply, the temptation is very great to those who are disposed to use for a sinister purpose a means that happens to fall in their way. The commercial traveler may be imposed on by such persons, but it requires only a short time for him to make the discovery, while his reports go to one place and there remain silent. The reports of the mercantile agencies are made for any and all who may buy them; this kind of correspondent or informant, more likely to do those things which will cause him to be sought after, being prompt and communicative, there is no direct way for the mercantile agencies to find out his trustworthiness, since they have no dealing with the parties they report, so systematically a deception may go on unless they stumble on the fact through the experience of a customer. Stumble they must, for are they serving any interest of their own which may be hurt, their only interest being satisfied in that they had been served by the corresponddent or informant with a commodity, after which the transaction vanishes from thought?

But he is a poor reporter who is unable to collect any quantity of hearsay and opinion, or does not know how to put his collection in vendible form; and to the extent they disagree, and which of the authorities he assumes to be the more weighty, thence goes the edict with his endorsement in symbols of character and pecuniary worth. That reporter was not perplexed, if the customer was who bought his report, on being told by one authority a certain person was worth so much clear, and of good personal standing, and by another, he would not trust him, and besides, he owed already more than he was worth. The reporter gave both sides as of equal weight, and assigned the party a conservative blank rating, which was duly circulated for the benefit of the business world. Credit was refused, as the customer felt he ought with such discrepant information, rather relying on the reporter as the referee, although he lost a profitable sale. The facts were, the party was worth his little fortune, was not in debt

to speak of, but like most mortals had his enemy who was glad no doubt of the secret opportunity to "give him a black eye." He discovered a great wrong had been done him in some way; the house declined to aid him in fixing it, preferring to lose a good patron.

It is instructive to contrast the demeanor and conversation of the real and bogus trade promoter, the one representing some business establishment, with a perceptible interest in conditions which appertain to his work, diligent and prudent, the other gliding about, few knowing his business and movements, accosting his "authorities" with bated breath, some onlooker wondering whose character and credit is at stake, when just as likely it is his own. The one is moved by interest, open and aboveboard, the other moves perfunctorily, devoid of interest only to procure from somebody at the quickest some substantive matter that may be converted into a report of those he cares nothing about for sale to those he knows nothing about. The greater reliability of Church's earlier work may be seen in this over the mercantile agencies. What he undertook was for a prescribed number whom he knew; he had particular objects in view for a particular interest. Coming in contact with those he had to report, he relied not on hearsay or opinion as it might be gathered of almost any one, while those he interviewed did not feel they were talking for that impalpable body, the business world of the mercantile agencies. There was a personality and responsibility in what he did, and he had the opportunity and interest to investigate such adverse opinions or hearsay as he came across, instead of making his reports a lottery as to which of these he would accept for fact.

Again, it is no small satisfaction, as it is a duty one owes to his own interest, and the person he inquires about, to know something of the origin whence this kind of information is derived. Apart from any legal aspect in regard to Church's work before he set up a mercantile agency of his own, it is easily seen that his opportunity for doing wrong was very much less than those who supply the material for the reports of the

mercantile agencies, whether as reporter, correspondent, or authority, whether from negligence or possible intention. If he misrepresented any one he could not hide his personality, although his work was a defined agency; the responsibility was on him as he made his own investigations and communicated the results in person; his identity by the injured or responsibility to employers was not lost in the maze of an army of correspondents, employés and authorities, who really do the mischievous work from start to finish in the reports of the mercantile agencies. If he found himself able to look after the interest of his thirty-six employers, how much more efficient must be the work of him, serving one employer, present for investigating the conditions that belong to the transaction in hand which he has brought about; whose coordinate duty is to make these investigations, which is lawful and by the public is recognized to be necessary! Who is in position to ask a buyer on credit for a statement of his pecuniary condition if the seller is not; and what is the distinguishing sentiment of those whose opinions are sought with reference to the standing and responsibility of such buyer? The feeling must be very different when one states he has an article to sell, and seeks to learn of the buyer's standing for credit; while another would say he was getting up a report of the party and others, his own interest not involved, but the opinion is wanted for a mercantile agency, whose interest is involved no more, but to sell to its customers, whom he does not know. To say the least, the informant would be much more inclined "to open his head" to the one who had an interest in making the request, whose observations he knew would not be manufactured into a material for traffic. If there was money to a disinterested party in his words, he might probably feel he was entitled to his share, fitting them to the purpose in view as he pleased.

In practice, there are none who have need for this information but those who are willing to part with something they have on trust; and with these the rule is almost invariable to send out agents to dispose of what they have to offer. Principally, these are the

wholesale dealers and manufacturers. The financial institutions can hardly be said to use such information. only that which they obtain themselves, although they buy the mercantile agencies' reference books, and are among their staunchest supporters. It would be a serious reflection on a bank cashier, who is selected on account of his supposed expertness, or his loan committee, to say that either would rely on the reports of a mercantile agency in credit negotiations. Besides, they give more attention to the security than to the standing of the borrower. Yet this feature has its bearing on those statements made to the mercantile agencies. which are so indifferently glossed over, inasmuch as the maker is producing his security. Instead of the mere belief or disbelief of an outsider as being sufficient for applying the brand, if there is to be disbelief in the truth of man as to his business representations, before he is discredited or the truth of his statement may be accepted from others, at any rate there should be some positive knowledge with reference to his stated assets. If the cashier's suspicion is aroused, as all of us should be with the estimate of honesty in some quarters, he would investigate himself the value of the security offered. But this is not so with the mercantile agencies, further than to ask some one's else opinion of the statement, which is sufficient according to the rule, as it is cheaper, requires less expensive intelligence, and above all, they have no interest in any transaction in which it may figure, only the maker has supplied a text for a more elaborate criticism of himself by others.

In comparing the commercial traveler, who looks up buyers for his principals and takes orders on credit. with the organizations that affect to adjust the most intricate and responsible part of his work by fixing the standing of those he sells to, an incongruity would be pointed out as a burlesque on the intelligence of man were not the situation and posing of remarkable fact. And strange as it may appear, although they have usurped a function of the commercial traveler, they are dependent on him, for as he goes in advance on his errand of distribution, finding place-value for the surplus of other communities, they follow him up, a stranger to him and those he has dealt with, to report in secret the character and responsibility of the latter. Having usurped this function, without responsibility and above the law, how is the device put in operation? By a class of people infinitely his inferior in adaptation, interest, or opportunity; and as to experience, knowledge of men and things, or skill in business affairs, a comparison must certainly render odious those who flit about prying into men's transactions, with whom they have no relation in law or morals, direct or remote.

But having gathered the opinions and hearsay of others, one interest has been served, as a commodity has been secured, the profit on which makes insignificant the profit on the article of utility sold by the other, but whose work is made the occasion for this commodity. It must be exasperating to an old and trusted commercial traveler to have his order "turned down" on a mercantile agency report, after a long solicitation, and after he had investigated the reliability of the buyer to his own satisfaction. He sometimes comes across the class of personality that is employed in the collection of this hearsay and opinion, against which

he has to compete.

As the commercial traveler is a mediate necessity between production and consumption, enlarging the opportunity of the economic forces which divide labor in supplying the wants of the people, a knowledge of trade conditions is an essential part of his employment. And yet, as credit is so large an element in human transactions, increasing as the places of supply and demand are removed from each other, since every industrial community must have a surplus in some utility, the necessity of a personal intelligence of credit conditions is not given that attention which is its due. is there a deliberate purpose to dwarf and pervert it? And as far as the commercial traveler is concerned, the one above all others who should have this intelligence, he may feel that in spite of the conditions which make this demand on his profession, and despite his assimilation of them whether he would or not, a power is in league against him in order that a factitious claim on his profession may be fostered. The conditions of confidence and credit develop along the line of civilization, the outcome of intercourse which is the evidence of an un-

restrained or truly represented commerce.

Trade is no less ennobling to the mind than it is honorable, and always it demands the best endeavor of the human faculties. Apart from the object of gain, in its broader sense it includes those who labor to meliorate the laws of peace and prosperity by open and friendly dealing; and it would seem that those who fill the positions in it of control and administration would employ those agencies that further the object, not only the most capable but openly in the same work with themselves. Unless this is done trade can hardly be purified—never, while man is so selfish as to obstruct his own way, imagining he sees an advantage in some short cut to his realization by following a will-o'-the-wisp or other allurement which leads him on to make a victim of himself

But the intention is to speak of a specialization of commerce, the buying and selling of commodities useful to man, which is known as trade, and especially of their sale and distribution, in which credit plays the most important part. Such business requires a high order of intellect, necessitating an insight, a judgment and readiness, which belong to no other work. great number who fall short of the mark denote defects so plain as to characterize trade a calling of chance, the failures being chiefly by speculating on unreliable data, and the employment of inefficient agencies, taking on trust specious or inadequate aids. The man of sagacity is not deluded when he assents to the expense of a pretentious subsidiary to his business. His money may be a burden when he permits it, or he may have an object in view all within himself; but whatever moves him, he is indifferent to the rights of others if this subsidiary is in the nature of gaining his support of an espionage of those as well with whom he has no interest or connection. While discrimination in selling is necessary to success as in buying, the employment of aids

in the departments that make of him a debtor and creditor is the height of discernment. Which of the two is the more important? He is not considered here. however, as a buyer or debtor, for those who sell him a hundred cases, a hundred barrels, or loan him a hundred dollars, must get their reliable information of his standing as he does of those he sells to and credits. Unless his credit were established he would certainly have to give the lender some assurance by affording him an opportunity to learn whom he was, what he had and what he owed; and the owner of the merchandise would require the same thing. With a knowledge of trade conditions, the demand for such goods and his class of patrons; an exhibit of his pecuniary condition, while his general reputation is learned from others mutually interested in him, or having a material interest in knowing how he stood; the credit dispenser is then

in possession of the salient facts for his action.

In those houses that have their organized credit departments, the essential feature is wanting if there is not a private and personal knowledge of the patron, which must be continuing. But the mercantile agencies would strip these departments of the very feature which gives the name, for if the proper knowledge were lacking, the information supplied by them would be nothing more than a collection of what had been procured from unknown sources with no interest in the subject-matter as between the house and its patrons; and hence, there would be no guidance in so delicate and important a branch of the business but a mass of hearsay and opinions, its origin lost, even to the vendors, in the conglomerate of intelligence and dispositions that inspired it. There are houses that have their equipped departments on which they rely, and why they should be troubled by a mass of such drivel and misleading confusion is inexplicable unless they are willing to spend time and money on something fit only to add still more to the perplexities of business. am looking over my mercantile agency reports," said the head of a large house, "and am busy at guessing." Instead of being a guide to credit or pecuniary and

personal standing, the "credit man" is advised to study and digest a series of reports on a given subject. especially if the subject resides in the country or some small town where different reporters and correspondents and authorities have had a hit at him, and form his conclusion. After doing this he must certainly enter a decree against himself for wasting his time over such unavailing stuff. If he had business relations with the subject he would start out at first, and do as another did after his experience—write to the party for his statement and references, or communicate with some one who was thought to be reliable, for the desired information, as he might know by reason of his probable interest in the party's circumstances, etc. The mercantile agencies would have to do the same thing, but the interest would be lacking; besides, the author of the information bought would be unknown in name or reputation. Said the one who had the experience: "I took up one mercantile agency report and an applicant for credit was rated up, another had him down at nothing. Special reports were got and the situation was reversed, the one that had him up advising caution. Of course this put me in a state of confusion, but I managed to get hold of my thoughts, when I sat down and wrote to the man for his statement and reference, also to our traveling man about him. The result was we sold him a \$1,500 bill. Those were my early days as a credit man, and for five years I have never consulted a mercantile agency about that party, while our relations have been satisfactory, both of us making money by the connection."

And no doubt this is largely the experience of every dispenser of credit that uses the mercantile agency reports; the alternative pursued being the only system for satisfactory information, giving as it does a truer impetus to business confidence and success. The commercial traveler, too, was relied on even without his being connected with the sale, if in aforetime the mercantile agencies held "an efficient check on salesmen, who travel not to choose customers, but to make collections and obtain orders." And whether relied on

or not, the party made his statement to the only one who had a right to ask it in regard to the transaction, gave his references, who were communicated with, which resulted in an understanding between the parties in interest, brought about by their own action. And the statement made direct furnished the true actionable ground for false representation, while the references must have been guarded in expressing their views to one, known to be interested, who had entrusted his in-

terest to their veracity.

Although claiming for each year a superiority over the last in their work, it may well be believed the mercantile agencies have not reached the pretentious point promised the business world, as it is well understood they can never do by methods which are opposed to human nature. Declining they are rather, inversely to their arrogance, in giving a return for the money they get; and as they started out by usurping a political function, striking at the commercial traveler as opportunity is offered through public prints, the fact is as fixed as ever, that the latter is an organ of commerce, so confirmed by trade intercourse and experience, as he is recognized by law as falling within the principles which have been denied the claimant of his chief function, certainly his most responsible one. In those days trade had not assumed the proportions it now presents; it did not claim the capital and brains it has since drawn to it; yet the force and talent which expands it more than any other, in conjunction with the development of transportation, is the commercial traveler, who has honesty and intelligence enough to sell goods and collect money, but deficient enough not to know the reliability of those who buy of him, requiring a self-appointed system of espionage to help him out.

And here it is again. The attempts of this usurpation, which fattens on the public as it is oppressed by it, to degrade a body of people because they stand in its way, who are destined, if it belongs to any particular agency, to bring the world into a commercial union. Bred to business, intelligent, honorable, suave, with #

knowledge of men and affairs equal to the diplomat without his intrigue, human; while they are followed in their wake by a stealthy shift, which is as likely to mar, ruin or oppress, with impunity and without compunction, what they may accomplish. "The efforts to secure trade by sending out travelers, who frequently solicit patronage without regard to the fitness of the subject for credit, have made mercantile agencies a necessity, and the charge of the judge and the verdict of the jury are in keeping with the advanced ideas of the business community, which demands telegraphs, telephones, lightning express trains-in fact everything that will enable them to transact business securely and rapidly." This sounds like a revamping of what the Cyclopædia of Commerce had to say years before. it is such puffs from the public prints which fortify, as they are in keeping with, Errant's law; yet the case is not given on which the above newspaper article was founded, only it was a suit for libel and the trial took place in the Superior Court of Cincinnati. The inference is, not a great deal of comfort is found in it, although so late as 1886.

But no doubt it is such reasoning that actuated the attempt in South Dakota to project the mercantile agencies in the Inter-state Commerce Act, by declaring them the instruments of commerce alongside the lightning express, etc. They have one of the elements, it is true, as at times they convey their reports on lightning wings; but as their bolts have no responsible guiding hand, striking often and promiscuously, the court of that state, with no dodging, or forked-tongued lightning rods set up for insulating truth from presumptuousness, said nay. Now, it may be well to recall, that while these necessities were brought into existence on account of the unfitness of the commercial traveler in a branch of his profession which is peculiarly a part of it, they have been refused any shelter or comfort in the act, while the commercial traveler has had his privilege and right as deeply rooted in it by the highest authority, as the lightning express, etc. And he made no hesitation in having his right adjudicated at the ear-

liest date.

Yet such flings from the press publish the object, and deserve notice to the extent merely that they come from a source we sometimes see as reckless and ignorant as would very well distinguish the unreliability of the average mercantile agency report. The commercial traveler is the very pioneer in extending the business of the community; and not only is he an important factor in developing the facilities for communication and transport, but what flows from his industry is the chief means of their maintenance. As in time he develops a sufficient trade in remote regions, which necessitates the extension of these facilities, his work does not end in linking communities together in bonds of commerce. He is incessantly at work equalizing the division of labor by placing the surplus of communities where it will be consumed. A rival and competitor, but he never detracts from the functions of legitimate employment so he may get a footing to do a discreditable act; nor does he belittle those who are engaged in a studied profession, that they are incompetent for performing all the duties which belong to it, and would appoint himself to discharge the most intricate and responsible part, although it might be done by disclaiming all responsibility for what he did.

With no true place in the great work of commercial endeavor, but like the parasites that seek the most succulent places, the mercantile agencies found theirs in fastening to the chief function of the commercial traveler, giving as excuse the fulfillment of a want that brought into question both his integrity and intelligence. It does not require a long pause to perceive that the nature of this plan belongs to all that class of moneymaking schemes which come into being with a blaze of their own trumpets, yet belonging to no part of the economic plan, but seizing some part which may be exploited to the greatest advantage; and the longer they remain unmolested that much more insolent and oppressive they become. One explanation for their conduct may be that they are surprises, "new forces," and

the law is not prepared for them.

The commercial traveler is sent out to take orders

That much is allowed him, and and collect money. there his duties end. Is he honest? That must be admitted, as it is unreasonable to suppose he would be entrusted with the collection of money unless he is honest. Has he intelligence and experience? It is difficult to suppose that one would send out his representative among a class of people, the best posted and keenest of any other perhaps, unless he was not only adapted for the mission but was accomplished in all the requirements that fit him for the object in view. One may easily appreciate the analogy between the envoy and his prototype in private employment, since governments select men for this representative mission who are peculiarly qualified to discharge all the duties of the office, being acceptable to the people to whom they are accredited. The duties that fall to the office, and their execution, are not reviewed by spies, which, were it done, both the envoy and the accredited nation would be insulted in a most offensive manner. if the representative is thus distrusted, should not there be a spy on the spy, who is in position to do a great deal more harm without being found out? But to delegate the spy who is not to be known, through another who disclaims responsibility for what he does, doing his work in concealment from the envoy and the people he is sent to negotiate with, as it pleases him, after all a state of affairs is raised which makes singular indeed the relations of friendly intercourse.

If business is the object and success the purpose, there is no relation that so earnestly demands open confidence as when parties negotiate through the agency of another. This may not suit the notion of the swindler or sharper, who turns anything to his good use, and certainly not the spy, whose occupation would be lost. But as a general thing, the former do not "get their work in" more than once when they may be passed to the sheriff's consideration, while with the latter, who is subserving his own interest also, he may continue a social good fellow with the very ones he injures in secret. As a matter of recognition on the part of his employer, the commercial traveler is fitted by apti-

tude for the duties of his profession, but he is trained to his work as well. It is known that a large number of these men are educated under the tutelage of their employers, who, discovering their fitness, start them out "on the road." The field is a large one, and the road is endless. Commerce, the most lucrative profession, widening the social scope and broadening the mind-young men are ambitious to qualify themselves for this work, while parents and friends encourage them to its pursuit. And were it not for the attempt to rob this honorable calling of a feature that inheres in it, that which clothes it more than any other with the dignity and responsibility of a profession, it were superfluous to dwell on a class of people whose intelligence is known of all, and who more than any other agency has made commercial intercourse what it is, always expanding it to meet the wants of civilization. Informed on a variety of topics which are of interest wherever he goes, he is an educator; and as he is in friendly contact with the business class in the community, he is foremost in gaining the kind of information that serves his employment. And herein lay his superior opportunity for learning the state of credit conditions; interest, having the confidence of those who know; on the ground, he may investigate. Although he would be shorn of its practical utility, the commercial traveler is unable to repel from his mind the circumstance of these conditions, for it is a constituent that cannot be separated from the mental processes of his calling. He is sent out to take orders and collect money, but he is not a machine with his mind a blank to everything else. This means he is expected to take all the orders he can; but while he is not likely to sell until he has satisfied himself of the buyer's responsibility, yet he is constantly subjected to the mortification of having his sales repudiated on the advice of a mercantile agency report. Self-respect and regard for others would prompt him to a pre-investigation, as it is not pleasant to agree to a thing and back out of it. "My customers are waiting; where are those goods you took my order for? I think you satisfied yourself of my responsibility; at least you said so." "Yes, I took your order, believing you to be responsible, as I think yet. I recommended the shipment, but my house seems to be governed by some other information. You can take no

offense at what I have done in the matter."

As cash represents such a small quantity in the flow of commerce, paying off the balance at stated periods. the intrinsic value of what gives confidence to credit, and the media of exchange between these two, are of vastly more importance to the national honor and prosperity than the mechanical medium which settles the balances. And although such is the mainspring of commerce, it is even more sensitive to friction and abuse, so the movement is freer as enlightened man sees the expediency of dissevering from it those extraneous devices which act on it only as hindering forces. There is no doubt but that confidence and credit must unify in the grand pillar which is to support the universality of a free and harmonious intercourse between communities and nations. Some will say this is idealism, but they will doubtless be among those who have their special devices; that business is a practical reality. Exactly so; business is stern and real. But discountenancing the selfish desire to narrow it to an instrument for power and supremacy over the individual, which means the almightiness of wealth, it has a purpose above this in the human economy, its true laws but conforming to the phenomena of civilized honesty. And although by such devices wealth may be accumulated more rapidly by a few, the pretense is no less spurious than it is in any other art, when the claim is made to a beneficial discovery along the line of a false or unnatural postulate. And stern and real as business may be in its movement, its master hand by nature is honest, developing and never at a standstill, unless some blighting circumstance supervenes, when as surely it retrogrades in volume or in virtue.

An uncorrupted commerce is the material complement of society, laying the stepping-stones to its fulfillment. Moreover, it may be remarked, not alone is commerce afflicted by a syncretism in the attempt to

assimilate it with wrong-doing, as the same effort has its influences in misinterpreting and to make dark man's spiritual well-being. But man is a sensuous and robust creature after all, less capable of being deluded than formerly, and given more decidedly to protesting against the wrongs that are practiced on him. The iniquity of any promise to upbuild one class at the expense of another is no less indefensible than the infamy of bringing under the secret plan the private reputation of a people to traffic on, in making the promise good. How may this wrong augment the injustice said of the commercial traveler, dwarfing his talent and enterprise, but by the connivance of his employer, whose patronage of the mercantile agencies must be more of habit or vanity than of any real benefit he receives from them in the conduct of his business; and how is the wrong against the public intensified but by these same promoters that make possible the correspondents, who, more for the love of the thing, take pleasure in writing all sorts of reports about their neighbors, not to mention the assistant mercantile agency reporters, the "authorities." who are open to an interview at almost any time, as they have an intuition of all things pertaining to private characters and fortunes? As to these correspondents and authorities, it is not understood how men may so engage themselves unless, without the compensating attachment of self-interest, they are diseased with the same officiousness, caught by infection from the pragmatic heads of a self-imposed guardianship of business conscience, to whose stock in trade they contribute so immensely. There may be some of these who have been deluded into the belief, as certainly a great many of them are not noted for their valuable information or sagacity, that by their assistance they are doing good gratuitously for somebody in an offhand sort of way.

It is taken for granted that, as one has been employed to fill a position, he is capable of discharging the duties attached to it; and surely the employer would be prudent in his selection for the post when he has to pay well for the service, the number adequate to choose

from; and as no doubt the object of any one who is engaged in dispensing credit to the trade is to have the best representative talent the services of a solicitor demands and is worth. Already the value of this service has been equalized in the course of competition, for more than any other wage-earning employment, it is probable the compensation of the commercial traveler is the most stable. And largely does it grow out of the fact, that, being a necessary adjunct of commerce, if his calling is not generally recognized as a profession, he is a specialist, filling a high position in the division But the learned professions to the contrary, he is notwithstanding a professional man in the broadest sense, elevating that state which more than any other brings men into a union on the foundation of confidence and friendship. Long ago he differentiated his place in commerce, as more recently the professions of law and medicine have specialized their branches. One collects his facts and prepares his brief; the other diagnoses the complaint and prescribes the remedy. The commercial traveler learns the physical and personal wants of man to the extent he is able to satisfy them, and before selecting the place of distribution of what he has to sell it is his duty to know the local trade conditions and the reliability of the person who owns or conducts the place. For after ali, this is the position the tradesman fills who buys on credit.

It would be inconsistent to show faith in one of these specialists by employing him, and then be governed by outside criticism of his capacity, which common sense would say was incompetent, or whose incompetency had already been shown. But, as yet, the empiric is not at a loss for subjects in the game of confidence, for however science and art and experience may have disclosed their usefulness in serving mankind, there is still a lingering hope that should all else fail, Judge Jackleg, Doctor Quack, or the mercantile agencies, may be the ministers at last who control the nostrums of all bodily and material good, just so you pay the fee. As the attempt has been made to deprive the commercial traveler of the most responsible and dignified branch of his

profession, he is the charlatan of course in its practice, of which he would be deprived by the mercantile agencies, who become the specialists, he now something more or less than a craftsman—a drummer, an epithet of sound and hollowness. Elbowing one out of his proper place is no less an art than it requires a special discipline at gaining the notoriety; then further, to presume to assign him to a lower place, since they consult no one as to their rights, there is no astonishment that the commercial traveler should be exasperated at the impertinence of the claim-jumping, bogus assist-

ants of commerce.

Yet the employer in his last extremity finds it no experiment when he recurs to the knowledge of his agent, who is in position and has the intelligence and interest to inform himself on matters that concern his employment. But suppose the patron is new or prospective, the agent not having had the occasion to learn anything about him. The patron fully appreciates this, and expects investigation of his responsibility. He would prefer the commercial traveler of the house to do this, as there would arise a personal understanding in mutual interest; but he would make his written statement by letter, and give reference, or would suggest, no doubt, any legitimate investigation of his standing. He would feel it should be a personal matter between himself and the one he asked for credit, no secret go-between or espionage over him by an instrumentality which had no possible interest in the transaction, only to get an article to sell not only to the person with whom he was in negotiation, but to all others, from whatever motive the article was desired. The credit seeker who declines to "make a showing" in this proper manner could expect but one thing. But with the commercial traveler, almost an ubiquitary, not many "first orders" are received which have not the impress of his solicitation.

By far the greatest number of men are honest, regarding their word as the highest obligation, faithful so far as in them lies to the confidence reposed in them, but, nevertheless, a small proportion succeeding to the

point of accumulating as considered by some persons, while many bury themselves under a mountain of debt. What these dead assets amount to annually it is impossible to compute, as there is no reliable system for tabulating the figures. And yet a system devised for computing this prodigious waste would be of no practical value unless the discovery roused to action that some change was imperative in the conduct of credit transactions. It is sufficient to know that it is enormous and much of it could be avoided; and knowing this, the conviction dawns that a radical defect is playing the havoc; some fictitious or speculative feature, causing an unnecessary loss to the prosperity of the country, as confidence is unsettled, straining on the one hand and stifling on the other the recuperative forces, adding to the expense or abridging the demand of those on whom the burden falls.

Every man has the right to select his occupation as he may be able, yet albeit, no more are happier in the selection of other pursuits than a great number in trade. for honest though they may be, they are defective in some quality of being successful. Probably the resultant chief cause in trade of this great loss proceeds from a redundancy of dealers overbalancing demand; but the personal causes are found mainly in high living, and the overreaching for abnormal results, this latter belonging to the nature and example of speculation. In some statistics we read, lack of capital is made to figure prominently. But the amount of capital necessary, from a mercantile-agency standpoint, for a particular business, it would be hard to say, since by the rule of monopoly and concentration the man of limited means commits a rash act by going into any business at all. The mercantile agencies degrade him all they can by their symbols. The percentage of the unlawfully inclined is not small either, who so considerably aid in making up the great total of the defaults and failures, coupled with their diversion of wealth from the lawful All through, mainly, this waste of wealth and labor, and this stealing, may be attributed to credit, the motor of commerce, although not fairly chargeable

therewith, as it has fundamental principles so ruinously disregarded, but to the speculations and charlatanry, misleading it and abusing it, which make alliance

with cupidity.

Were the commercial traveler relied on to the extent of his professional responsibility, this loss would be reduced; when it would be brought to the minimum as he became imbued with his duty in that function of his employment which is his most intellectual assim-There would be a sharper line drawn between ilation. those deserving of credit and those who are not; the devices that can be used for its abuse would be discarded; in legitimate trade, credit would be shorn of its speculation; the losses now incurred through individual traders would not be added to price, as well the expense of factitious aids; the consumer would get more in return for his money. Equally true, however, the low contagion of money-getting does not afflict all men, as there are many in commerce who magnify it as an honorable and scientific calling, although the causes which make of it a grab and speculation at taking the advantage well nigh incline honest men to follow suit lest fair dealing run a losing race. But as certainly as commerce requires intelligence and fair dealing, the honorable means will be used for its development, for when artificiality and expedient are resorted to we see the inevitable decline, to be ensued by the slow processes of readjustment.

In the social cycles with lengthening lapses, and it is to be hoped we are nearing the last one, the hope justified as the progression has been rapid in civilization without the revolutions which signalized past readjustments, man may not be reorganized in a barbarous state along with his commerce, which began in theft with his politics of bloodshed, as both have been developed in accordance with natural laws, which are constantly raising the human movement above the vices and crimes of the atavistic instinct. As his needs develop, in due response, the effective means are developed to satisfy them; but it should not be surprising if the old instinct is alive also in many cases.

cunning if in a more enlightened age, to lay hold of its chance in the evolving order of things. And yet there may be despotism—one of law, which should treat all alike; a despotism that showed no favor, all would be willing to acknowledge; while to make it perfect, as the understanding grasped the plainness of its object, would be the highest order of society. To be sure, this stands in the way of the avaricious, and their inquisi-

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torial forces for attaining the supremacy.

Sometimes we are hushed in the awful contemplation if we are not nearing a state of affairs whose overthrow will be effected by the resentment of a people again st the corruption and wrongs that would fasten down the manhood of their country. Already it is asked if reson is deaf to the mutterings of an oncoming revol tion. Hope may be revived, however, in the imperis ability of reason, whose revolutions are in peacef reform; and what we see and hear and feel, may trust is but the effect of the transition of a political commercial sphere, throwing its darkness into the sou of men, attended by an exorcist that performs its par by playing the devil in expelling the devil of credit While the primary and essential reason in this age enlightenment may not be superseded, still the leas that could be done in remission for the ruling conditions over both our spiritual and material well-being, is to offer it an apology, while girding up the loins of ar enfranchised citizenship, although the "new forces" would sneer away any tribute, however well meant or forewarning, as beggarly ignorance, since shrewdness may beat reason at any stage in the game.

Although the subject may be possessed of attributes mysterious and unknown to himself, in practical effect the confidence on which credit is founded has only an approximate in freedom from doubt; and yet the mercantile agencies, as they communicate this knowledge, procuring it as they do, would attach to their methods a secrecy at finding a state of facts which surpasses all human understanding. The most knowable searcher after truth claimed to have had his "dæmon;" they must have theirs. These may be the more modern genii

with magic wand and seven-league boots; and what have been pointed out as impertinent busybodies, gliding hither and thither, visible or invisible, fixing the reputation of men, may be their supernatural messengers. The bases of faith and confidence, giving rise to credit, may be metaphysical, or it may be both metaphysical and physical, that is, the former supported by a pecuniary responsibility. So in the absence or presence of these the subject is lacking or is entitled to credit consideration. There are degrees also in the merit of credit, the length of time and amount, but these in general are in proportion to the physical or pecuniary responsibility. Faith and confidence primarily are founded on character, which may be generalized into its specific qualities to meet the demand of business usages. It will then be perceived, to understand the conditions for credit, there must be a knowledge and study of men and values, the study differentiated in regard to each particular subject, as there are all sorts of men and values. And to complete the investigation, if the subject be a trader, it is hardly less important to be informed of trade conditions. Solvent men of good credit standing default and fail if those who patronize them are impaired by reason of a variety of causes; their resources may not be convertible; a poor location may have been selected; he may be diverting his capital; some creditor may hamper. And who is in position to make a note of all these things but the interested man; the one who sells the goods and is familiar with the ground, all of which belonging to his curriculum of business study?

Yet what is more precarious than the environments of credit; every situation susceptible of change with each recurring day? The mercantile agencies do well if they collect their so-called information once in six months, and, even were it correct at the time, this rebuts the claim of keeping up with trade conditions and changes. Say they are alert in communicating facts of public notoriety, unless it be they are endowed with an extraordinary intuition, or are guided by supernatural agencies, it cannot be otherwise than that they should

be in the rear of material fact, as "catching rumor as she flies" and the opinions of strangers to interest are depended on so largely. It is incredible that one should disclose his business to a disinterested person, whose object is to give it wide publicity, especially when his safety is in silence or in a private conference with his creditors; and yet his silence might be reported to his disadvantage, however solvent, it being symptomatic that something must be wrong, which the imaginative mind would have no trouble in shaping into semblance of true knowledge; while if the spy found out he was in conference with creditors, the fact would be sufficient for founding a report which would be recorded against him over the country. Thus men have not unfrequently been driven into bankruptcy, when the conference might have resulted in good to all concerned. So the customer of the alarmist may be defeated by his own inquiry, the answer to which having been pub-

lished for the benefit of the business world.

Debtors are often requested to pay up, "as we are informed" so and so is the case, when immediately they must devote their time and resources to stemming the tide, or they may begin to prepare for the worst with the assistance of a lawyer. Any one who deliberates upon these aspects must be forced to the conclusion that if the relation and use of the mercantile agencies are of such a doubtful and dangerous nature to their customers, what must the relation be and abuse of those who are not customers, but in general are the subjects of their reports, as also, when the principle of right conduct in the customers' own business is considered in relation to those whose patronage they seek, yet who support the remarkable relation which the mercantile agencies bear towards their patrons? In business, as a matter of policy, in morals and law, as a social and passive duty, no man has the right to exploit the private affairs of another through any agency, which not only has no interest in him, but which publishes to a "business world" what it hears about him, to the extent that such world may buy and act upon its information. And how cumulative is the wrong, when this agency delegates its espionage to some other, in all likelihood an entire stranger to it, or possibly prejudiced against the party he is called on to

report in secret!

Reckless though men be in sustaining this very condition of things, the promised end justifying the expedient, their philosophy of such conduct must be that the known and reliable witness must stand aside, as he is opposed by the faith, whose apostles promise a promotion and protection to special interests by baptizing credit in a new salvation. The yearning faith takes no heed of the sacrifice of others; the voice that prompts better judgment is stilled; the promise which so sustains their hope of great riches may not be disparaged; in pursuance of the doctrine of special privilege, there must be much sacrifice and ruin before capitalism and the supremacy of selfishness is com-

pletely attained.

But happily, a share of the right leaven is left, for there are thousands of thorough-going business men who do not yield their judgment or conscience to the persuasion of a one-sided dogma in the administration of their affairs. Their conviction remains in a selfconsciousness that they are capable of maintaining their business relations, with the aid of legitimate and open assistance, while those with whom they have dealing are entitled to confidential and fair treatment in a matter which includes themselves only. They understand the nature of credit, appreciating the situation that a man should not be treated as a criminal when seeking his trade for profit; they would not do such violence to the true idea of business intercourse, or inflict on the recipient of their confidence a secret process of exploiting his character and standing, since there can be little or no good results to themselves; as besides, by such act, they lay open their patrons to others, while the reported who is being investigated at their instance, on which he will be published, is all unconscious of what is being done. If credit is impalpable, a something exclusively of the mind, inhering in that confidence which is brought into action by the character and circumstances of the one on whom it is bestowe should not the one who sold the object be in the best position to determine the responsibility of the other when both are present, face to face, in their proper persons, to strike the bargain? The commercial traveler fills the position of seller; granting credit is preliminary to a sale on credit; should he be fettered in the initial step he is sent out to do—to take orders—the desirability or unsafety of granting credit being a

functional part of his employment?

"Do you see that young man over there?" said a commercial traveler. "He is a mercantile agency reporter, and a cock-sure youngster he looks. The one who is with him is a Justice of the Peace court lawyer, who I understand is his local correspondent here. He comes here about once a year, and spends a day or two in reporting the business men of this town, who number some hundred and fifty. You see his youth, and judging from his actions one would not suppose he was a maker of these people's reputation. I do not believe there is a man here who would take the lawyer's opinion on a credit proposition. For five years I have been coming here two or three times a year, and I believe I am more or less informed of the business standing of every man here. It is my habit to get acquainted with the business people in the territory I travel over, especially those who are in my line; often they give me pointers when I am elsewhere, so I keep pretty well posted. In this town I have three customers, and I have been working on another, but this letter from my house is a deadener. They tell me they have other information, meaning of course the mercantile agencies, and say they do not want the account I have been trying to get. I am mature in years, working seriously for my livelihood. My business I have given close study to for the best part of my life. My reputation for honesty is unimpeached so far as I know, and for my own sake I have the best interest of my house at heart. I know I am posted better than any mercantile agency on earth in my line of trade in this territory. It stands to reason I should be, if I am not a fool, as

I go oftener, stay longer where I have customers. And in the comparison of investigating the standing of men—that young man reports a hundred and fifty in less time than it takes me to investigate a half-dozen firms not on my list whose orders I would solicit. I do not know if my house considers me dishonest or an imbecile, but it looks like that boy and that lawyer are discounting me, and with a vengeance on my house, as I know the man whose account they refuse is good for what he buys. Somebody must have it in for him."

This commercial traveler felt keenly the apparent lack of confidence shown in him by his employers, and there is no telling how many feel in the same way on account of the same cause. His realization of the work of these two reporters, their methods of procuring status information concerning the character and responsibility of business men, to whose reports he had to defer, was enough to prompt the inquiry as to how he stood in relation to his profession, as the vision before him worked on his feelings a righteous indignity. There are persons who have the occasion to feel of a sudden that after all they may be laboring under a delusion as to their competency or integrity, so when striking differences are presented which involve themselves, it is very natural for them to ask the question as to which side is out of joint. In this instance, an accomplished salesman and judge of credit conditions, a man of pleasing address who was cordially received by the best business element in the section where he traveled, was confronted by the representatives of a mercantile agency, who knew nothing about credit, or values, or trade conditions, yet who put him in the background by reports which were founded on opinion and hearsay, hurriedly gathered from almost any one who would submit to such interviews. And these reports were to fix the character and standing of a hundred and fifty business firms which truth and interest may not prevail against. It can be asked, What interest had that young man in the people he was reporting? Serving no one in particular, but all alike who were customers of his principals; none of them hardly known to him, credit and

values things of transitory impression made on hi mind by the observation of others, he was satisfied if his outing had brought to him results, which, on his return home with jottings and fading memory, might be put in form for serving the purpose of an article of sale.

So far as production and distribution are concerned, as it had already begun, if left unhindered, its order would be developed along with the current of civilization, certainly in respect to those communities which are adjacent. But commerce knows no boundary, and the further the point of distribution is from that of production the more strange the aspect of preferring the unknown employé of another who is not liable for his acts, to one's own agent, since the agent may be the only person known in the country where he is attending to his duties for his crediting principal. And coming nearer home, it is well known that credit dispensers rely more upon their own means of information, entirely so in a practical sense, when the knowledge is more in touch with their transactions. Then it would appear the further removed the transaction is it becomes more speculative, the commercial traveler to lay the quantified predicate when he is pretermitted for the qualitative of something which is unknown to the parties of real interest. A disturbance of distribution reacts on production; the meddlesome and worthless go-between preys on the energy of both; the consumers are the final victims; the social state that permits such disturbance by a deliberate human agency suffers the None the less, it is to the condemnation of the mastery and pride of those who promote it in the pursuit of a great and noble calling. These would blemish the finial of their architecture with a social wrong and public eyesore, which bears no relation to the design, while they are the ones who are made to say that usage makes necessary a monstrosity in the art of their life-study.

If this is the age of the specialist, he must follow his art or science in accord with the rules of reason as they are developed; sophistry and humbuggery were never at a lower ebb. And in commerce, like any other art, there can be no departure from the developments of reason in using the needed specialties for its promotion and protection. They are necessary; and whether it will be admitted or not in some quarters, in that specialization of work in the art which he follows, as an arm of commerce, the commercial traveler, by the laws of reason and experience, has his position clearly defined. He searches for demand, develops place-value, and it is his duty to attend to every anterior circumstance that involves credit responsibility in connection with the orders he is sent out to take. He is rightly his own agency in procuring the information, as act he must in a matter which affects his own personal and business reputation

There may be many that employ him who doubt the propriety of his passing on the responsibility of those he sells to, but they would only lower his profession without impairing the rational fact. The merit for credit is peculiar to the individual, hence credit may not be an exact science; but the acquaintance and personal study of the individual from this interested motive unfolds the nearest approximation to a safe guidance. This lesson is learned by the one who is facilitated by interest and opportunity, as the commercial traveler comes in direct contact with the conditions which sur-

round his present or objective patron.

As in the instance cited, where his house told its salesman it had relied on other agencies for credit information, the study of credit is so natural in its relation to selling, he had acquired the information, and continued to do so with the knowledge it would not be used by the one who was directly interested in it. Instead of stunting its acquisition, it is but common sense to know the employers would find its superiority in the conduct of their business by encouraging its cultivation and full expression. Any one acquainted with the nature of the employment will observe at once that it is just as natural for the commercial traveler to apprise himself of credit conditions, as it is for him to look up buyers. They have the world of human nature for their

school; on they go continually from place to place, from buyer to buyer, gathering as they go, exchanging notes with their fellows, when, in proportion to the time they have traveled over a district, they absorb the various circumstances of credit and are able to judge of its merits with almost the same facility as they tell over their

price lists.

Every house sees the advantage of keeping its salesmen in the same territory, as, everything else being equal, the man who is known can certainly sell more goods than a stranger; and the longer they are on the ground, that much more they absorb the correlative of their profession in spite of themselves, and possibly the admonition of their houses, especially in regard to those conditions which relate to their lines of trade. Take the case of a trade solicitor in a city where a mercantile agency has an office and staff of reporters. The first thing the credit dispenser will ask of him as to his fitness for employment, "What is his experience and acquaintance?" He is expected to know more or less of the standing of each one he solicits, or to acquire the knowledge by his own investigation, especially as to those facts which affect the interest of his employer. He is among them constantly, acquiring his information with a single interest in view.

On the other hand, the mercantile agency reporter is out in space, serving whom he knows not but the mercantile agency, whose only interest is to get a commodity to sell; here and there among men collecting opinions and hearsay, as apt as not from those who have as little interest in the subject-matter as himself. or possibly a great deal more, from a selfish motive, which, however, may not be discovered to him. can it be supposed the employer would defer the information of his solicitor to that of the mercantile agency reporter, the presumption being he has a sufficient regard for his interests to put the right sort of man in the position? The fact is, the customers of the mercantile agencies pay very little attention to their reports of local persons; the great mass of these reports used by them being of persons in different and distant localIties, coming originally from the hands of the country

correspondents.

The point might be made still stronger in the case of the commercial traveler who mingles with the trade. visiting buyers in his line an indefinite number of times, seldom less than two or three times a year, while the mercantile agency reporter may never see them. And seeing them, he may be a youth or other inexperienced person, but relying mainly for his information on the views of others, who may use him as a tool for their own selfish purpose even without his knowing it. Or if he secure statements, having no knowledge of values, he has them criticised by the same authorities. Or relying on the local correspondent—but more of this personage hereafter, both as an "authority" and as a "corroborator." The value of the report ends with the great moral idea, that it is better to underrate than to exaggerate, when attending to something one knows nothing about, and has no interest in knowing further than any other busybody, only, what he picks up is sold as the peerless commodity for sustaining a business And yet he is in a dilemma, whichever alternative he adopts, for if he exaggerates, the customers may be misled, and if he underrates, those he tells about are wronged. Still, being powerfully protected, he remembers the easiest way out of it is to regard less those who are not in the secret, the larger number who are underrated but the subjects of the reports.

But in forcing these extraneous agencies into the commercial system, it is discountenanced by a great number of credit dispensers, who not only know it is degrading to the art of their calling, but they realize in them engines for injustice and oppression. They would promulgate the true system of credit inquiry and communication, as it comports with law and self-respect, giving business a greater stability by eliminating those adscititious make-believes which reflect on the honesty

of a nation.

Proximately informed on trade conditions through the natural and recognized channels, they are in position to maintain a more definite knowledge in the lations of demand and supply in each locality that attracts or where their interests already lie. The commercial traveler, having the confidence of his house, fills indeed a responsible office; confidence in the man and the responsible position coördinating, every instinct prompts that the trust reposed in him should be discharged faithfully and well, as in those positions where no limitation is set to the discharge of all the functions belonging to them they are filled the most sat-

isfactorily.

The objection has been made to giving the commercial traveler the full discharge of his office, that it would lead to cooperation, or in time, by reason of his rounded worth, he would make excessive demands. This excuse is, however, despicable, as it is advanced even against self-interest; and the judgment is warped by the spirit of envy and selfishness. Must then a necessary instrument of commerce be debased because it may develop the fullness of its value, and perhaps aspire? Freedom to act in the discharge of a responsible trust does promote aspiration, but it is along the line of what is deserving. When all the faculties of the commercial traveler are allowed full play in the interest of commerce in general, his employer in particular, he is such a valuable and necessary instrument his command of compensation is in due proportion to the demand for his services; and as his ability and success develop, employers have made it a practice to make him a participant in the profits, or a commission is allowed him on what he sells, probably sharing in the loss on his sales, and generally, in either case, a fixed salary is given additionally. If this is the dreaded cooperation or excessive wage demand, many houses would be profited thereby. But certainly it should not be these, the representatives in the art of selling, necessitating a knowledge in the practice of crediting, the highest position in commerce, who ignore specious aids. but in person prosecute their work, that customers of the mercantile agencies are afraid of, and so would dwarf the chief forces in the plan of their own fortunes.

And it may be said in reply to the literature which

would argue down the commercial traveler from that place in his calling which makes it a profession to make room for the mercantile agencies, which are classed with the lightning express, etc., that ignorance and prejudice, the twin influences for misrepresentation, or something else which is said to allay the qualm of conscience, must be the inspiration. He was here first, adnascent in obedience to the exigency of commerce, and every one of these objects, the telegraph, telephone, lightning express, and the mercantile agencies, succeeded him, the three former developed in response to the needs which he occasioned as much as to any other agency, the latter developed by seizing a functional part of his profession, enriching itself from his energy while crying him down. Through storm and sunshine, over plains and mountain fastnesses, the commercial traveler takes the lead and stakes the way for the future up-to-date facilities of transport and communication, over which the tide of civilization finds an outlet to the remote places where the germ has been planted for a larger social state. When on duty he must travel without delay, at all times of day, or night if need be, in good or bad conveyances; sleeping and eating in a rush, he is expected to be equal to the requirements of his calling. In sickness or in health, worn, depressed, or in a cheerful frame of mind as he generally is, he is the same intelligent and genial person. If discouragement or disappointment overtake him he is too clever to be overcast by the fitful downs which accompany his employment, while the ups cause him to beam forth from a satisfaction unspoken of what he has done. There is about him also a realization that he is ministering to the wants and comforts of man, cheapening both as he aids so greatly in energizing the productive forces: and wherever he goes, that confidence and knowledge which draw men in closer relation is extended. He is a developer. The greater comforts and conveniences follow in his wake, which he is the first to utilize. But in the performance of his duties should he be tracked privily by an agency that pretends to confirm, or undoes, what his enterprise and intelligence prompt him to do, unknown to him and the persons with whom he transacts his business?

At an early stage of their work, we are informed the mercantile agencies were not only a necessary part of the machinery of trade and commerce, but they cheapened the cost of credit information. It will be seen where this cheapness comes in; but because of its cheapness can a people be subjected to a secret inquisition for the benefit of any special interest? There is no denying but they procure their commodity very cheaply, but cheap things sometimes come high to those who foot the bill. This was of the assumption and promise, it were better to say, as it is still the main inducement held out to many for their patronage. Probably there are men so avaricious they mistrust the natural means that may earn for them more than something else which promises to do the same thing for less money, having no consideration for the rights of others, or are heedless of the reliability of the substitute they employ. But the best way to arrive at the truth of this "less cost" is for their customers to say which they lose the most by, the mercantile agencies or those of their commercial travelers who have the liberty of deciding upon the safety of the buyers whose orders they solicit. And soliciting orders imposes a higher degree of intelligence than the mere taking of them, as the mercantile agencies prescribe. But monopoly wants nothing to do with soliciting and competition.

In making this estimate there are other important circumstances. The commercial traveler is employed to take orders. This action gives rise to the reports through the mercantile agencies, but those of his orders which are filled on this advice, he is entitled to the credit, coming out satisfactorily, as no doubt he had investigated their safety before taking them. If the sale proved a losing one, the fault is hardly his, as the mercantile agency report had been relied on, his duties narrowed to taking orders and the collection of And while the estimate is being made, an important loss should not be overlooked, the most important item to honest credit seekers, and that is, the loss entailed upon the customers by their refusing to sell to responsible men on the suggestion of mercantile agency reports.

CHAPTER XI.

THERE are many customers of the mercantile agencies who have no special interest in other people's ratings, but rather in their own. At a considerable expense they are willing to gratify a vanity of having their names published, perhaps with the attachment of a big rating; and, not strange as it may seem to some persons, the man of undoubted large means and high personal standing is less anxious for such publicity than those who in truth are not so high in the moral or pecuniary scale. With these, it may be the effect of an inherited climbing propensity as well after that which the mercantile agencies put on top in lengthening distances as the ascent is made, until the blissful region beyond is reached, which may be designated as their money heaven, surpassing finite estimate in dollars and cents, and where the longed for repose may not be disturbed by mercantile agency investigations. He is reported then simply in the superlative degree, without any opinion being asked. Has not selfishness gained one advantage by being placed among the elect? Such a heaven, presided over by the mercantile agencies, is the democracy of capitalism, although but few are allowed to enter. The climbing is up an inverted cone; John Chinaman, in spite of the malediction of Confucius, is as much entitled to be wafted into the golden space as a Vanderbilt, provided he produces his credendum in figures, countersigned with the symbols of a mercantile agency reporter.

Of course the triumphant ones should not be suffered to mingle in the crowd whose fortunes and characters are in a state of probation while laboring up the ascent, as every edition of the book of tribulation shows the symbols are tumbled about in the most whimsical fashion, fortunes and characters made and unmade as by the accidents of chance. Each mercantile agency has its special key of hope, but all with the same despairing plan of reaching the vertex, differing widely from each other as to the same subjects who are symbolized, although each one has the same ultimate space of triumph, when the next book of the selfsame plan may have lifted some pilgrim from nothingness far along on the ascent to the final attainment. Speculation of some sort must have brought about the advancement in so short a time.

And pity it is, that of those who by struggle or by aid are nearing the place where the footing is had for the joyful flight, they should be made to mix with those who range in the lower region, branded some of them as twice-told unworthies-without money, without credit. But they must have some support to stand on. And yet, under the dispensation of this anomalous providence, where money seems to be the golden measure of credit—the standard of faith in the assortment of human reputation -there are more with a wide range of money worth, than of those whose credit-responsibility is not unsmirched. So, after all, there is much in having more money than character. If one has determined to climb to the summit whence he may be slid among the elect, to get from one place of rest to another, so arbitrarily fixed for him, it is only a matter of figures; the larger the easier the upward lift, just so it is arranged they are not to be scrutinized too closely. But in designating total unfitness by the symbolic sign of the brand doubly applied, and in adjusting to their places those who are permitted to have a capital or credit standing in one degree or another, we are told a privilege is exercised, although such use of men's names and their private reputation looks more like a game at chuck-a-luck, the croupier the only winner.

Apart from those who patronize the mercantile agencies from vanity, may not there be others who buy for business, as the rogue said when he connected himself with a device in order to carry out his own little private affair? "Dear sir," wrote a customer of a mercan-

tile agency to a banker in a distant city, "I expect Shortly to have some business in your city and would Like to transact it through your bank. If agreeable, I should be glad to have you discount my note for \$3,000, and give me credit. I refer you to the mercantile agencies as to my responsibility," etc. The reference was consulted, and sure enough he was symbolized up in the sixes and reaching for the sevens. But the banker, although a customer himself, was not caught napping. He had a system of his own for long-distance information. His private correspondent told him he would not discount the party's paper in any amount, when an early event proved the correctness of the suggestion. Still, there is such caution and conservatism exercised, that in the majority of instances where statements are made of one's pecuniary condition, and passed on by authority or corroborator, the stock phrase is, "The assets claimed are subject to scaling," while if the truthfulness of the debts set out is not attacked directly it is negatively in the brand, the result being, something like the estimate of the Lord Chancellorship, where the administration of equity and right was characterized as a pretentious sham, the reliability of the report is to be measured by the intelligence, or ignorance, or conscience which supplied the article for sale.

But there may be a great deal in the fact that the majority of the reported are not customers, as in the above illustration in regard to a customer the rule seems to have been reversedly applied, which may explain the disproportion of credit to capital, although it is commonly believed more people have more of the other virtues than they have of money, notwithstanding the privilege and arbitrariness, which, with a wonderfully contrived key, opens up the secret chambers of the money worth and character standing of all alike. Hardly wonderful either, since it is the economic as well as the conical plan for the lesser to support the greater; and then, it would be an inexpensive act of grace, that while the chosen few are elevated above the lower region, those who have moderate, indifferent, bad, or no credit-standing at all in sustaining the

structure, should at least be given a reminiscence of the requirement in supporting the chief virtue.* sides its lines of beauty, the cone has been built by practical hands, as in execution the ideal of capitalism is carried out, in that the greater must be sustained by the lesser, the more weighted down the easier they may be handled. And besides, were the cone built on the usual lines, on reaching the margin of infinite dollars and cents one would have to be consigned to the lower There is nothing like the creative genius of invention at shaping up the character and fortune of men who must breast the uncertainty of what they are. in seeking a livelihood, against the price of their reputation, especially when you are allowed to have your own way about it. If this sounds like trifling with a serious subject, it would be borne in mind that the objects under consideration are of levity and fallacious pretense, while, were it possible, the whole consideration might be passed for settlement to the judgment bar of the thousands of dead and non-existent ones who are published in the reference books, falsified and misrepresented, whatever solution the key gives of their character, etc.

This may be disappointing to those who find their bonanza in these books, flooding the land with circulars, to be put in correspondence with imaginary or departed souls. They do not employ commercial travelers as per the promise; they sell to almost any one who answers; their profits so large a certain percentage of sales can very well be charged to loss; if they but get a nibble they do the biting. Operating mostly on the smaller towns, if the circular tradesman can only make his language sufficiently seductive there will be no trouble in adjusting the losses to the profits; and if you have a booming project on hand no doubt some of the mercantile agencies will sell you a special list of names to operate on, mailing your circulars for you at so much a name, whether they be "capitalists"

^{*} To appreciate the foregoing the reader should see the "key" to the reference books, which explains the artistic shading of money worth and credit standing, or no symbol affixed at all, which means the names have neither, of the million.

or what not. The circular tradesman is not entitled to much consideration, but he advises himself that these names are taken from the mercantile agency reference books, so he can inform himself of their value, and beforehand may thus be assisted in knowing what to add to profit to meet loss. Or, if all the companies which assure credits, based on the ratings of the mercantile agencies, have not broken down, he may resort to these if he is willing to pay a pretty premium. It is not charged, however, although an inquiry might be raised, that the brand of the mercantile agencies is used in depressing credit for the purpose of giving these assurers a showing, or that more attention is given to applying the money brand, as some creditors sell goods more on a money responsibility, so there will be something to assure. These are features in connection with the mercantile agencies, but so involved that perhaps they can best be explained by the mercantile agencies themselves, since it is understood they are somewhat allied, or rather, one who was at the head of a mercantile agency set himself up at assuring credits based on their ratings.

But the circular tradesman, who figures so largely in a world of trade, finds a boon in these books, aided by the postal service; and why should he not figure as considerably on the credulity of man as others figure on his unreliability or reliability, whichever way you choose to put it? A false device begets false schemes, the latter subjecting to its purpose the other, which has brought into subjection its own objects, when the people in the end pay for the whole very dearly. And if the circularite is in legitimate business to the extent that the people demand his wares, the money spent in his circular solicitations, coupled with the loss sustained by selling to the wrong persons, would no doubt defray the cost of introducing his wares in the proper manner. If his bills are too small to justify this expense, then he cannot have articles of much utility to the consuming public. That is, the anxiety is not so consuming for his wares as to countenance a cheap or other kind of espionage upon it. And besides-but he

might hardly have a right sense of justice to be exercised when told he uses a list of names whose personal and pecuniary structure is not built on the square, or that he is among the "principals" who must have a cheap device for his especial benefit at gaining the supremacy, let it cost what it may to the public, or however the public is wronged by it. A load he helps to put on legitimate commerce, only he be persuaded of his promotion and protection, gives him no concern. But it is absurd, however, to suppose that one with a proper conception of his business in hand would take the circular man's expedient for demonstrating the neces-

sity or worth of the mercantile agencies.

Among the objections to the income tax, and coming from those on whom it falls heaviest, mainly in the centers where the mercantile agencies find their chief support, is that it would harass the people with the busybody work of espionage and inquisition, which would be productive of perjury and false representations. Very likely. But do they realize the position they take if they are customers of the mercantile agencies? Yes. they do, in the language of a New York lawyer, as "We take pleasure in learning everything we can about the affairs of others, but we naturally object to having other people interfere with our affairs." They denounce a government system of espionage when their own fortunes and characters are concerned, because men would be led to lie and swindle in order to evade a contribution which the congress of the nation in its wisdom thought was for the public good. They take no thought of what they do in setting a spy on others with the object in view of making them contribute to their private fortunes. But in the government scheme there is no actual spying. Every man is given a hearing: he can see what is done, the statement of himself is a private matter between him and his government; no trafficking in the results of the inquiry. And if man is given to lying and swindling so he may hold a part from government of what he has in plenty, how much greater is the inducement when the object is to boost his values for the purpose of a mercantile agency rat-

ing, when he has no particular regard for the instrument he knows nothing about, which is to publish him to a world of trade he is equally ignorant of, but for whose special injury he does not know, as the suggested phantasm of the mercantile agencies, their business world, is too impalpable for him to rob or swindle in compensation for the charge of a deliberately laid criminality! He would be less likely to attempt a deception on the government, which has the authority and would investigate the truthfulness of his representations if suspected, but only in its own interest and not for the purpose of publishing him as a falsifier, or to bear witness against him for others. There is no consistency in the objection to the so-called government espionage, but which effected its purpose in having the income tax declared wrong and unlawful, unless private gain is superior in its exactions to public good, even to the extent of publishing the citizen's reputation, which no government would undertake to do. And yet, if there is an authority for doing this it resides in the government exclusively, as, in the language of the economists, it is a public monopoly, such as could be carried on lawfully only as a branch of the police regulation. But for several reasons the state would not undertake the exercise of such a prerogative, among which, the public would not be served as it is carried on by the mercantile agencies, since in theory, at least, any police system is for the general good and not for the benefit of a particular class; and besides, no enlightened state would put a brand on the private character and pecuniary worth of its citizens if it could, or it would develop a nation of swindlers and liars sure enough.

Still, there may be an understanding somewhere, since the mercantile agencies go unwhipped of justice, and find shelter in the law with their elastic principles. Unquestionably, for many years we have had a government that has been legislating in the interest of special privilege, but not having the hardihood perhaps to exploit the people as the mercantile agencies do in promoting the interests of its special regard, this dubious job may have been turned over to these private sys-

tems in lieu of their receiving a negative protection, and all the profits and emoluments belonging to such work. Thus, it would seem, the filiation is complete in all the economy that makes for supremacy, under the dispensation which reconciles injustice, special privilege, selfishness, dishonesty, to the accomplishment of accumulating wealth in the hands of a few. To be sure, this complicates the social state, and places those of small means at a great disadvantage, but what have they got to say about it? It is certain, however, that the larger and more compassionate part of society, less wealthy or shrewd in the plutocratic sense, is inimical to any such dispensation of law or commerce, when

they think about it.

But the all-sufficient part, those that proclaim themselves to be the sustaining spokes in the great political and commercial hub, cultivate still the barbaric habits and desires amid the splendor and power of their suc-Idealizing the archetypes as they see or hear of them in foreign lands, they are shoddy imitators who emasculate in a most short-sighted manner every national individuality while building up their plutocracy, save in the grossness of a money display, which is one American individuality that may not be denied. But the end of cupidity may yet awhile be only in its formative state. And while the greater ones cultivate their snobbery abroad, the lesser lights, more especially those who are yet provincials, until they accumulate so as to entitle them to a place in the close reservation, or the mercantile agencies' money heaven, are content to pattern after those who precede them, and return with the imitation polish.

If the Prince of Wales gives a humpty-dumpty dinner party, why should not we? Humpty-dumpty is the prince of mimetic fools, and if a prince of the royal blood loves to make some of his ways in actual life like the tinseled fool, even in so commonplace a thing as eating and drinking, why should not we? To make them a go in true American imitation style, it is to be hoped that the name of an imitation Prince of Wales is not left out of the pot at the humpty-dumpty festivi-

ties, and that there shall be no lack of eggs, since they are a virile food. Ab oro usque ad mula. And it may be hoped that the humpty-dumpty dinners, beginning with eggs served in every development of the culinary art, may be premonitory of the end of some graver innovations which have debased the greater American society, for certainly this outer social state, which sustains both forms of society, has a poor entertainment through the newspapers of the humpty-dumpties and other rehearsals, in return for what is taken from it. But quite in order by the rule of ostentation which must have its audience, the vision, or the mental pabulum, of how the performance is done if you were only one of them, is a most gracious return, while stomachs yearn and bodies shiver. What is the relation between the imitation desires and displays, and the control of the industrial and money systems, prices and wages? Is it because the borrowed ideas fetch along with them a feeling of safety in the ultimate of armies? For certainly, plutocracy must expect the mainstay of its control to be in militarism, spies and informers.

CHAPTER XII.

It is said by one prominent in the work for a number of years, "The mercantile agencies could not afford to antagonize the people. As they are so vulnerable their efforts should be to conciliate, or better still, their representatives should avoid acts which attract public attention." The substance of this view is, a greater secrecy should be exercised in the performance of their acts in respect to those who are most deeply affected by what they do By doing this the day may be postponed; meantime they could make their harvest yield the greatest profit, for after all, the day is not far off when they will be brought before the bar of an out-

raged public.

The remarks of another, long connected with them, was that in the country the mercantile agencies are recognized only as benefiting their customers, while their employés are looked upon as detectives in their The only solution is to cultivate a closer relation with the retailer, and conservatism in satisfying his demands as to his rating. It was not explained how the customers would regard the conservatism in satisfying this demand; or, since the mercantile agencies are the criterions of character and pecuniary responsibility, why this matter of rating is not equitable already, and satisfactory to all concerned. He was, however, more to the point on concluding his remarks, that eventually there will be passed laws governing and controlling the mercantile agencies—if the people felt they should be put under an espionage of their daily life, he might have added. It is quite probable that the sentiments expressed by these two men, experienced in such work, residing in different parts of the country, came from a consciousness that such business is radically wrong in principle; and to intensify the wrong, that part of the work which deals with the public in so serious a manner, the reporting, is done in general by persons the mercantile agencies know nothing about, especially of those reporters they call correspondents, who supply the great bulk of the article of their traffic.

If one of the two leading mercantile agencies claims to have an army of employés as large as the military footing of the United States, it is safe to assume that over 20,000 of this army is in local correspondents; and it might claim an army larger still if all the correspondents are included, let alone the convenient opinion-givers to the staff reporters, for of the correspondents they communicate with a great many more than the "regulars," who constantly weary of their jobs, get dilatory or throw them up, when, as this recalcitrancy so frequently occurs, and desertions taking place, somebody must be induced to give his opinion of the person or firm inquired about. And likely a good many will be entreated for the free offering before the article is forthcoming.

In the cities where they have offices, it is observed, and contemptuously so, how those in charge assume a censorship over the standing of men whom they claim to be within their territorial supervision, each office exercising this supervision over the correspondents as well within its "jurisdiction," which may embrace states or parts of states, when the work of the whole is massed at the great centers. And it would be strange if the local correspondent did not feel his right of censorship as does his superior, although his sphere is much more limited, which necessitates his being even more secret in his work.

But what do the mercantile agencies know of the employés who are immediately connected with their offices? Impossible, the business is too large, this is left to trusted lieutenants who are put in command of them. Like their principals, seldom have these under-commanders any interest in the community; the official favors bestowed in accordance with the receipts of the office, which of course are greatest in the larger

cities, and the esteem for characteristics in the subaltern, while the offices not so valuable, generally in the agricultural and mining states, which the mercantile agencies do not appreciate so highly, as they produce fewer local customers, are usually filled by young men with the developing traits. And a singular feature about the work is that these under-official heads must be peregrins, for it is not recalled that a single one, especially of those in charge of the smaller offices, is native of the jurisdiction he judges over. But there can be little doubt that all are conducted with the one object in view, and from accounts they make a right good thing of it so far as profit goes, although some of the states are in bad repute for not sending up as much money as it is thought they should yield. kind of assessment, and being delinquent, this may be one of the reasons why they do not stand so well at the money centers. Disappointment in revenue returns, and damning a state for the disappointment, duly reported, has its deterrent influence on others.

The great lesson instilled is to get all the customers that are to be had and keep down expenses; yet the consideration for the customer in return is secondary, while those reported are not to be considered at all, only when the day of dodging comes round for the wrongs they do. If a customer in Chicago asks for a special report of some one in the jurisdiction attached to that office, a sufficient number of copies are made for the other offices whose local customers may inquire about the same party, being transmitted at the time the customer in the first instance was served; so the special report is on hand for the next six months, to be copied for customers anywhere. The process is cheap to the mercantile agencies, the belated customer may get some stale fact, if fact it is, while the reported is oblivious that his name and reputation are in course of traffic. There is no prevision as to who might become interested in the subject at the time the report was made, but the commodity is ready, put in shape at the time of its cheapest preparation, while perhaps one time in a hundred there are other customers who

are interested in these daily transmissions besides the ones that institute the inquiry. At the time of "revising," or a general cellection of reports for stock, it is quite probable that none of them will be written at the instance of a customer. The same routine is followed in the case of one office asking another, as in the example of a local customer inquiring through the office he patronizes, but an office is not to know the customer of another who institutes the inquiry in the jurisdiction of the former. So it is useless for one to ask a reporter who inquires about him through his mercantile agency, if the inquirer is not a customer of the office to which he is attached, for he does not know; and on this account it is an easy matter for the reporter to evade the disclosure of the local customer. In no instance are correspondents allowed to know the name of the inquiring customer. The reason of it all is obvious. Customers do not want their patrons to know they have put a spy upon them; the chance of having their names disclosed is taken from the very ones who are said to be acting for them as their agents.

As a general thing the special reports are made for those who are traders, as the money lenders would hardly be guided by them, yet there are thousands of their trader customers who consider them as "mighty poor dependence." And curious as it may appear, while the financial customers would not be governed by the extended reports on which the reference books are founded, they buy the latter; while from the fact the trader customers do not wish to have their names divulged in connection with their inquiries, they must realize that they place themselves in a singular position by using an instrument of espionage which is felt to be offensive to the persons whose patronage they seek, Apart from the act which reflects upon themselves as men, they offend besides the public sense of fair and honorable treatment of those they desire to deal with. The suggestion of conservatism and a closer relationship on the part of the mercantile agencies is poor promise to the reported, as he must know that a profession of friendship for him would be the hollowness

of a system which can do only as the mercantile agencies do for their customers, who are of superior consideration, for if the spy is called off the system falls to pieces, inasmuch as the profit of such business is mainly in the free work of correspondents, who would refuse to work for it openly without reward, although in secret, but for reasons best known to themselves, they

do it gratuitously.

Legitimate investigation of credit status can never be an exclusive business; its profit is incidental to the object of credit, and the investigation relates to the one who has the object. For though the credit seeking public were willing for an open go-between to make these investigations, the credit dispensers could not afford the expense, unless they were willing to entail on the consumers an abnormal cost; and as every one would not resort to this method, it is not likely any would, unless they were monopolies which control their prices but have little use for this information, as they usually sell for cash. And aside from their methods, although cheap, the cause of their adding millions to prices is an indictment against the mercantile agencies, for well may the public ask, "What is the use of it, at an expense to it of millions every year?" No subject of their reports would understand a cultivation of him, except for the purpose of finding out more about him for their material, since what representation he made would afterward be digested in secret with authorities. But this cultivation will not be attempted to any very great extent, should the subjects suffer the approach, because of the impracticability by any system of espionage, especially those which disclaim responsibility for their acts, in treating the subject part of its work with the same degree of fairness the beneficial part expects to receive. Above all things the mercantile agencies are looking out for their own profit, and taking names and making reputations without the asking, with the aid of those who prefer to do the work in secret without compensation from them, makes the business that much more profitable.

Before an inquiry as to what these profits amount

to, a glance at what they give in return would be instructive, as the great sums paid them are a tax on the commerce of the country, which means it comes out of the pockets of the consumers like any other indirect tax. For as the cost of the duty on imports is mingled with the price to the consumer, so with the customer of the mercantile agencies, their cost to them is mingled with the price of what they sell. The inquiry also involves the manner of procuring what the mercantile

agencies sell, which they call information.

Unless the office is a small one, it should not be supposed the man in charge makes it a business to solicit customers, yet of the hundred or more offices each of the two leading mercantile agencies have located in this country, they are generally small, merely appanages of the larger ones. In the larger offices these heads seem to be employed chiefly as boomers of what they pretend for the work, fetching up profit at the expense of the value of the work, flying adjusters and settlers of differences with dissatisfied customers, blocking the way of those in search of remedial law against them, the falsely reported given a cold regard, and yet, they are thought to be the best paid for doing harm in the exercise of valuable energy of any set of men that could be found. Of course, no part of the business produces anything of public utility, and yet they follow the example of the houses that buy from them in the employment of drummers. Soliciting is probably too large a work for the heads of the larger offices to undertake in person, but it removes them that much more from personal responsibility, as in this, like their reporting, they can look askant at the complainant and say so and so will be seen about it, who did it, or made the promise.

Probably there is not a wholesale dealer, manufacturer, or banker in the land who has not had his experience with the professions and insistence of the mercantile agency drummer, its very life, glittering promiser, and smooth talker. They are the typical book agents who are paid commissions in accordance with their "ability" to sell. The difference is tremendous, however, in the commissions allowed, as in the sala-

ries, depending greatly on how the drummer stands as a minion or the possessor of inside knowledge, until some less favored one connected with an office in a state that is accursed because it does not yield up a satisfactory return from its business men, is hammered down both in salary and commissions. And here it may be remarked, this is an unjust visitation on the states where the local revenue is not satisfactory, as the very plan of centralizing wealth is opposed to it. With their main offices at the great centers which draw from the rest of the country, by the nature of the work the mercantile agencies are against the development of great business houses in these states; and as the credit dispensers in them are confined to a limited territory, their facilities the best for obtaining information, under what pretext could they support an agency whose very promise means a drawing away from them of their trade? But, as under the plan for controlling the trade and finances of the country, the outside dispensers do very much the largest business; and do not the mercantile agencies sell them reports of persons in these states? The fact is, a state that vislds an unsatisfactory local revenue by reason of their having few or no customers in them, may produce the largest net revenue from the reports of persons in them sold to the customers at the great centers; and to be sure, the consumers in these states pay for the reports which go out to be sold by the mercantile agencies.

Nobody understands this better than those who profit by such sales, and yet there is nothing like a bit of sophistry with which to gull those who do the work. Your state pays us little, as you know you send us but little, so we cannot afford to pay you more than little. So under the circumstances it comes with poor grace to condemn a state, when it is being exploited for all there is in it for reports to be sold elsewhere, those doing the work in them either bilked altogether, or brought down to the lowest remuneration. Hence a lesson may be learned of how one distant community may draw on the resources of another, the former establishing the claim of the mercantile agencies of their

necessity and usage. But anywhere, excepting the select few, the mercantile agencies pay less remuneration than any other employment which requires the same class of operative help. The persons they send out to collect their reports should, it seems, have the intelligence in business matters of the average commercial traveler. They are, however, paid about as much as the average dry goods clerk; and the ones who are placed in charge of the offices, always excepting the plums which are carefully bestowed, are paid about as much as a second book-keeper. This is adverted to for the purpose mainly to show that profit is the object, and that it comes mostly from the small wage compensation and unpaid services of those who supply them with their stock in trade. Now there are a great number of honorable and intelligent young men and boys whose fortunes cast them in this sort of business, but must they not admit that they constitute the great majority in the work whose successions of hope meet with disappointment as they wait to see favorites, and inferiors in morals and intelligence, step ahead of them? Above all others, it would appear, the work is one that should recognize and inculcate the best habits of mind and heart, if for no other purpose than as an advertisement and in remission of the wrongs it does. But any young man who so engages his mind and energy, has thrown his lines unfortunately. Mechanical as it is; educative of the baser impulses; always on a dead level; no curtain rises to expose prospects for manly ambition. It arouses none of the nobler instincts; unsympathetic and inquisitorial, there is joy when the day's work is over. Apart from earning the pitiful wage, there is attached to the work no self-conscious obligation to others, but constantly at a secret task which endangers the reputation of others, his best wits must be exercised in getting out of the difficulty should his wrongs be discovered by the injured. The promotion and protection of trade is a delusion; the work he is engaged in is a money-making device without a sentiment as to the rights of others; its energies redoubled, because on dangerous ground it may be short-lived; as the humblest employé knows, from what falls under his observation, it is repugnant to the rights of society. Its chief regard for individual worth is of those who are its most subservient instruments, and as these succeed in building up the customers' list, or in beating down wages and compensation to the lowest, that much nearer are they to the good-will of the

"fountain-heads of credit."

The public is, however, more interested in that part of the work in which the reporter and correspondent figure, subjecting its individual members to espionage and report in order to procure the commodity on which the drummer so insistently expatiates. This latter person has more to do with building up the revenue; he is open and avowed in his object; and should he be successful in practicing his little arts, the customer has met him at arm's length on his own ground and been As a general thing, one with a single object in view does not allow small matters to obstruct his way, when very likely if the impulse is of a sort, he will adopt almost any plan which hastens on the desired end. So when a drummer agrees to raise the rating of a prospective customer, or makes promises with the sign of a fraternal order to which they mutually belong, one need not be amazed over the little affairs of his artifice, although it might fairly be concluded that he had run across a very weak brother, or one who was "up to snuff" somewhat himself.

The mercantile agency reporter is a spy in every sense of the word. While his spotting and captures are different, his methods are very much the same as the detective who tracks down the criminal against public law, although he is not so adroit, and from the nature of his work the results are not so satisfactory. People are much more inclined to put the one on the right track; a variety of motives may be behind what is told the mercantile agency detective. The local correspondent puts himself in the same predicament for the place he fills; however, his field for spying and capture is smaller. His remuneration is nominal, or commonly he does the work for no pay at all. As it suits his

taste, he does it for the love of the thing, or possibly for the honor of having the character and pecuniary responsibility of his neighbors referred to the secret arbitrament of whatever his prejudices, fairness, or

lack of information may dictate.

This does not include the lawyers who act as local correspondents, of whom more will be said further on, although it may be remarked here, they admit themselves to be poor in judgment or opinion when it comes to passing on credit qualification. In main, the traders and bankers as correspondents are here meant; those who are asked to pass hurriedly on the standing of persons around them, as oftenest it is the case these are competitors of the ones asked about; and only to advert to the deftly written letters to country postmasters which are frequently answered in reply to every interrogatory, notwithstanding the postal rules

to the contrary

Thus we are introduced to the main sources that supply the commodity which makes the mercantile agencies a necessary part of the machinery of trade and commerce; and the sources of these may be referred to infinity, both in the number of persons and the motives of the human heart. No doubt the salient points of one's business responsibility are embraced in the three C's, character, capacity, and net capital; but can these qualities, which, when combined, make the delicate mechanism of credit standing, be treated so lightly as is done in the secret and tortuous processes of mercantile agency reporting, they then affixing, as suits the fancy of a youth perhaps, the stamp of reputation upon men for guiding a business world? But always in speaking of the business world, they will be candid enough to admit that their customers only are meant, who comprise this world, which is alleged to be benefited, when as certainly the true world must be the one to be preyed upon.

The printed form of statement which the mercantile agencies furnish, and assume it must be filled in when called on to do so, is very minute in questioning. The kind and value of resources must be particularized; the amounts and character of debts; whether insurance

is carried, the amount on stock of merchandise, and buildings, in some cases how much on life and who the beneficiary; whom they buy from and monthly expenses; age, and if married or single; how long in business, experience, where from and former occupation; if any member of the firm ever failed or burned out. stating the circumstances. The style of the firm must be signed by a member, whose name must be written out in full. And just before signing, the question is put, as a trap at cross-examination, if any of the parties to the statement is in debt besides that which is asked in the previous questions as to liability. Thus, it will be seen, coming from a questioner one knows nothing about in all probability, with no interest whatever in his personal or material welfare, and not knowing for whom the questions are propounded, truly one is put through an inquisitorial process that those who are really interested in him would hardly go into so minutely, or into which a court would not enter in qualifying him on his recognizance.

But from whatever motive, these statements are frequently filled out, and certainly most of them are made honestly, yet it is exceedingly doubtful if the honest ones, at least, would be repeated were the makers to know how they are treated afterwards. The mercantile agencies will say these statements should be corroborated. Admit it, but how is it done? Do they know more about the corroborants than they do of the makers? and besides, what right have they at the outset to so offend strangers to them in every interest by such categorical questioning? Of course they understand that selfishness and suspicion are kindred, which problem they would work out as befits each individual on the principal idea all men are liars, and exercising the authority they do, there is no wonder that customers find such disparity between their symbols and the real man when they come to know about him in fact.

On the request of the mercantile agencies, which are unknown to and have no interest in the makers, these statements are made to them, when in turn their truth or falsity is referred to some one else without the

knowledge of the maker, and in all likelihood the referee or corroborant a stranger in interest to both. And if one may infer from the ratings which are appended to the names of the makers, the referees generally decide they are false. It could not be otherwise in the line of suspicion and conservatism, since, before the ratings are assigned, they are referred to the local correspondent or authority whose personal standing and business reliability is no better established or known to the mercantile agencies than the reputation or reliability of those whose statements and standing are referred to them for judgment. This reference for judgment, it should be understood, is not always submitted to the same person in regard to the same maker, but those selected who are the most prompt; and having no interest in the results of such judgment, the very promptness would indicate there is not a sufficient information on which to found a decision, even were the inclination in the direction of justness. While, if the statement is made to a reporter, his corroborant is the handy man who is always ready with an opinion, as opinion is all that is necessary in making up the report, since this follows the view of a representative who stands close to a leading mercantile agency, when he said he had rather have public opinion than any man's statement of his condition. This again is cheaper and more expeditious, as the opinion giver is more convenient, while quite often there are persons on whom the reports are to be made that do not care to expose their private affairs for publication by the mercantile agencies. And very correctly. "What do you want my statement for?" said one. "You brand me a liar as soon as I make it by going to your authorities to pass on its truthfulness. I do not know who they are, but whoever you get to pass on what I might say, my word is as good as theirs. No, I make statements only to those who are entitled to know how I'm getting along "

And in any case, the statement passes through the refining process in the search after truth—the conservatism of the mercantile agencies, which, with respect to the net capital worth set out, two seems to be the

divisor in the final analysis before the brand is applied. while it follows that if the capital exhibit is discredited the personal side should be correspondingly disparaged. This explains why there are more symbolized in the reference books with more money than credit standing. After passing through all this process, it is hardly fair on the part of the mercantile agencies, adjusting the truthfulness of the statements as they please, to say, if false to them it is false to their customers, who may have an action against the makers. and they will be witness. It would seem they accept them as being false in the first instance, or why do they refer them to outsiders for corroboration, and then, after all, symbolize the pecuniary worth and credit standing of the makers to suit themselves? It is like having public opinion, with the assistance of those who prepare the reports, to pass on one's reputation. which the latter brand and proclaim, and then for public opinion, with the same assistance, to prosecute him for false representation. At whatever point of view, it is a queer state of affairs. What do the mercantile agencies play the detective for, if not for the purpose of establishing the suspicion precedent that the statements are false? It looks like a bunko-steering game. "I will get his statement, and without his knowing it get others to pass on it and sell a copy with what I hear about him to you; you give him credit, and if he does not come up all right then I will be a witness against him. But, mind you, you are not to hold me responsible for anything I do, nor is he to know what I said about him, only if you take action against him for false representation I will produce his original statement without any comment of mine or my authorities."

If one willfully misstates his standing for the purpose of deceiving another he does a very wrong thing, but the mercantile agencies are to find out the results of being deceived, in spite of their suspicion and investigations, only when somebody else has been hurt; so they adopt the principle on behalf of others that all men are deceivers, more or less, and caricature their

reports accordingly. But false or true, they are not affected one way or the other, as they have no real interest involved in the facts set out, and without interest, of course the whole process is mechanical. The proof of this may be seen in the ratings set against the names they have captured and published in their reference books, which, if true, every credit dispenser, who did not have in him the ingenious dash of the speculator, would retire forthwith from the field of

his labor.

No doubt it will be said these ratings are justified by statistics, as only three or four in the hundred succeed in trade. This is another fallacy that should be exploded-a dictum that has its paternity in repetition. Probably no more do amass fortunes, even less in the hundreds of thousands, if place in the mercantile agency money heaven is the standard of success. but a great many more do succeed in making commerce the means of an honest livelihood, maintain and educate their families, and dving leave behind honorable names, owing no man. These may not be considered successful, because the supremacy of wealth and its power, however acquired, is not theirs; or in having it not they are not in the position to make Napoleonic strokes to the disadvantage of others, which would entitle them to the epithet of "successful business men." On the other hand, a man's credit standing should not be rigidly fixed to his capital availability, allowing that dishonesty has not taken the place of honesty, for character and capacity may make a capital even more worthy of credit than wealth. The more a swindler accumulates the greater he feels his immunity; the fool and his money soon part.

But, by far greatly, most of the reports distributed to the offices for sale to customers are but the "gleanings" of the reporters and correspondents, put in vendible form at the jurisdictional offices, about which the subjects reported have not been consulted, but are in ignorance even that reports of themselves have been put in circulation. Although the reports, which may be termed after the fact, such as deaths, fires, assignments, mortgages, judgments, etc., of local notoriety and public record, to which such swiftness is given in disseminating on learning the event, very considerably are founded on common report, largely taken from the newspapers, especially when the happening occurs in the territory presided over by a correspondent, since these do not volunteer information to a great extent. And yet there is good explanation for this if the correspondent is the attorney for the local party as well,

which not infrequently happens.

Since the business of the mercantile agencies is the collection in secret of hearsay and opinion for sale to others, concerning private reputation, it is well to have an understanding of the nature and value of this testimony. There are some things which present a more truthful view from the rear, for while there may be a great deal of pomp and assumption in front to obscure, an examination from behind may reveal that much of the pretense and arrogance has its ending in serious effect, grotesque as it may be to some persons, as the industrial energy of the country is made to suffer in satisfaction of those who love to be humbugged. This has reference to the greater injustice done to those in their private relations, who are made to play and pay for this remarkable travesty on commerce. Now. in a matter which so seriously affects the subjects of these reports, it would seem that the testimony should at least comport with legal fact. Every one knows that he would not act on hearsay-rumor, common talk-whose origin is not known, except to investigate its truthfulness if he might be affected, for if people were to do more the world would soon be turned upside down by the mischief-makers, tale-bearers, and the assailants of character and fortunes. The mercantile agencies have been well characterized as private courts of administration on the estates and character of the living, their judgments governed by evidence of this kind, but in the regularly appointed courts of the country hearsay is not listened to for a moment. And broadly speaking, it may be said, in the ordinary courts of justice, the character or fortune of every lit-

igant is more or less involved. Hearsay may become so diffused in common talk that it cannot be traced; at times it may be traced to its origin, where the truth can be learned. Although they are detecting, do the mercantile agencies trace out the hearsay concerning those who are being reported by them? Not likely, as it involves time, perhaps money outlay; some intelligent analysis may be required, so it is preferable to say, "It is reported," or, "It is understood," and so on, which if adverse means a death-blow to the person or firm reported, so far as character and pecuniary responsibility may find life or death in a mercantile agency report. Then, about the value of the opinions they sell. Opinion is not fact. Stronger than impression, it is founded on a low degree of probable evidence, as we learn from the books. From this definition, it would seem that opinion is a very unfair thing to go by when a man's character and livelihood are in the balance, especially that kind of opinion dealt out by the mercantile agencies, which may be prompted by self-interest from strangers, a very strong impulse for biasing the mind, as we are told and must infer.

It may be doubted if the representative knew the force of what he was asserting when he declared he "had rather have public opinion than any man's statement of himself;" however, he may have felt that as men are liars, the greater the aggregation the more he would be justified in using his discretion freely in symbolizing reputations. It is true that reputation is proved by public opinion, but public opinion openly expressed, and on oath; but no man is called on to so establish his character or reputation unless he has been assailed beforehand in this particular. He is always a party cognizant of the proceedings. But on making a report of him the mercantile agencies at the outset place him under suspicion, and then try him according to their own methods, not only without giving him a hearing, but without his knowing he is on trial as to those matters which so deeply implicate his reputation. The only kind of public opinion this representative could have meant was hearsay, rumor, common talk, opin

ion, repeated or given with secret effect, for he understands that the opinions the mercantile agencies sell are delivered not in public but in secret, and of which it is intended the public shall have no knowledge whatever. And it is these secret opinions, with all their motives of expression, on which the necessary credit of

a civilization would be made to depend.

There is no examination of these opinions; often a conscientious informant may express a most convincing one, but founded on the most diluted form of hearsay. In preparing a report, either when the subject has not been consulted, or when he has made his statement, it is sufficient if the secret opinion-givers, called authorities, say so and so. Hearsay and opinion; at best the reports founded on a low degree of probable evidence; and still further, the reporter's opinion is to be consulted before the finishing touch ends with the rating it is his province to decide upon; and it is usual for him to discount his authorities. Of all things that demand to be measured by truth, and carefully, it should be private reputation before pronouncing upon it; but it will be observed that the reference books which publish a compendium of the reports of credit standing and pecuniary worth as symbolized by the ratings, and which are so extensively circulated, are at last but the opinions of those who decide the ratings. But customers are advised to buy the extended reports also, perhaps so they can get a wider glimpse of the gleanings on which the ratings are founded, but between which there may be no concurrence but the evident fact ne true knowledge is displayed.

By a word or look one may be aspersed for life, for the mercantile agencies treasure their reports, which are referred to; and men have been ruined in fortune by opinion unguardedly expressed, while others have been unduly approved. One has only to consider the work these informers are engaged in to judge its value and know its wrong; the vast number of inquiries they are called on to answer; with no interest one way or the other, as a general thing, in the subject or the one to whom the result of the "investigation" is to be

sold; taking it for granted the report is for some customer, the main object is to comply with the command of the employer, be prompt in supplying the article of sale. This injunction has a double effect; the commodity must not be delayed, as the sale might be lost, while it sharpens the wit of the reporter. For there are instances of persons inquired about and written to for statements, who have not deigned to respond to the importunate requests, and when various of their neighbors had been written to for the urgent information, with similar results, reports have been circulated of them somewhat like this: "This concern declines to make a statement to us. Nothing whatever appears to be known of them locally, and unless they can demonstrate their ability to pay they should give security." Of course the report wound up with a blank rating. Now that reporter had his wits about him; the sale of the report might not be lost; if he had nothing in particular to go on, something in particular had to be said. It is not known where the regular correspondent was meantime; he may have taken a self-granted furlough, well earned for the compensation he was getting. Nor is the disgust of the customer related, on reading his dear-bought article of information. The imperious language, the utter disregard for the rights of others, the impertinent suggestion, the customer must have been ashamed of the self-imposed opportunity he had given for having such advice thrust in his face. And as it is likely he refused to fill an order on such report, he might have had occasion afterwards for remembering the firm he was instrumental in having misrepresented, which to this day may be puzzling over his conduct. Because a firm does not see fit to make a statement "to us," and because their neighbors failed to act the part of spy on them, "nothing whatever appears to be known of them locally, and unless they can demonstrate their ability to pay they should give security." Is there more fitting language for the insolence of this secret wrong-doing? The facts may be, the firm was an established one, the partners of means besides the business, each one well and favorably known

locally, their business perhaps the largest in the place. This reporter took no thought of what he was doing in so reckless a manner; he was serving a master that claimed no responsibility for his acts, but would shield him nevertheless; he is the most accomplished servant that supplies the commodity at all events: for the time being he had only to transform himself into the publie that a public opinion might be procured. Fancied transformation and sudden transitions of the imagination may serve to entertain for sensational or scenic effect, but so material a thing as trade can hardly be sustained by accomplishments at thaumaturgy, however vivid or satisfactory to the performer. But, all the same, the customer called for the act and he must be pleased; he is to know nothing about how it was done; magic has its special tricks; let him fork over

the price of the performance.

The object was to get opinion, and was not this reporter giving his own with a saving alternative? He did the best he could under the circumstances by advising against credit, which is conservatism for the customer, although a blank rating for the reported. latter is entitled to no consideration. But there are too many reports like this where law is said to be for the protection of the people, not to be put on and off as a garment, at pleasure, and the putting on and off permitted only to those interests which have the audacity of wealth to defy it. The question is put in all seriousness to the customers of the mercantile agencies: Are these reporters of such ability, their methods of that character, coupled with the great number of "investigations" they are engaged at, as would create confidence in their work? They know the persons employed as reporters; what must they think of the correspondents? Would they put aside the information obtained by their city solicitors for that of the mercantile agency reporters who are attached to the offices they buy from? Then, too, the most capable reporters are employed in the larger cities. No, it is ventured, they rely preferably on their own private agencies, the legitimate and interested inquiry as recognized by

their patrons. But mercantile agencies are "institutions" peculiar to ambitious cities, and to be abreast of the times they must be supported as advertisements, and for the benefit of customers who want to know how people are made to stand elsewhere. From this point of view there may be something in it, for while they are not relied on at home, the world of trade may be "benefited" by them at other places, although the methods are the same at all places. The man who is not "up to snuff" neglects such line of vision. But apart from this shrewdness, do the customers consider

what they do?

It is no excuse that because they choose to have their own character and fortunes made an account of for the benefit of others who in turn would rely upon their own means of information-to have their names advertised with ratings attached to them, they should make the process a secret one as to those who are not customers of the mercantile agencies, but whose patronage they as such customers would solicit. This is no appeal to a class-although the customers of the mercantile agencies might be designated as such—which may be interested in the abuses of this work, but questions are solemnly put to their reason, their sense of civic right and duty, nay, to their most selfish self-interest. It is a strange law of compensation that one should be asked for his patronage, and then make it the occasion for publishing him in so questionable and surreptitious a manner. "If the mercantile agencies are guides," said one, "let me but be the 'authority,' and I will get those patrons I want and get rid of those I do not want." This simply means, those wanted might have their ratings so reduced that no one else would seek their trade, while those not wanted could have theirs so increased as to make them sought after by others. And putting aside the inherent wrong of the thing, whoever may be reported, they know how the conservatism of the mercantile agencies operates as between a customer and a non-customer, which fact alone should be convincing, since, if the customers really use these "institutions" for their material advantage in reports of themselves, they of all others have the view opened to them which at once brings discredit upon any assertion as to their fairness or reliability. "I was unaware that so and so is so well off; he is rated away up." "He must pay well for his advertising," was the very natural reply. So if the advantage is in their own ratings, and knowing that no business man would be governed by them at home, the advertising must then be for an advantage sought where they are not known.

Human nature is about the same everywhere, and this understanding, or perhaps suspicion, of what is behind the ratings, and with a knowledge of the discrepancies in those which he has had occasion to investigate, the customer must be chary of them wherever the reported may be. Institutions are frail in proportion to their pretensions and avowed shirking of responsibility, and we have seen how strenuous the effort had been made to make "Heads I win, tails you lose" a legal principle. Whether a statement is made or not, every report the mercantile agencies sell has its rating based on the glittering generality of opinion, or the sententious shrug which the non-committal authority adopts, but which may be taken with all the force of doubt. Yet, is opinion of belief or disbelief so earnestly sought, should a customer make his statement? But it hardly looks reasonable to discredit the statement of one who is an authority for the truth or untruth of those made by others.

Then who are the persons from whom, as a general thing, these opinions are gleaned? First, customers and those who might become such, jobbers, manufacturers, and bankers, as it is desirable to cultivate these as much as possible, and quite likely they are the best informants if it is to their interest to aid in the publication of the character and standing of persons who have business relations with them. For business is selfish, its relations largely confidential, it cannot be believed these would enter very minutely into the standing of a patron, especially were he a desirable one, or one whose situation it would be a matter of

self-interest not to expose. They are, however, the chief sources of opinion. Then those of probable knowledge are interviewed, but likely without any special interest in the status of the person inquired about, when, other sources failing, hearsay is given its due attention. This is the routine of the reporter; and if he has the party's statement, he goes around in about the same way to find some one to pass upon it. It would be difficult to apportion the reports as to which of these sources of information they are founded on mostly, but from whatever source, the reporter has the final say, putting aside the opinion of this one, and accepting that in all probability which more nearly corresponds with his own notion in the matter, although his direct information may be entirely lacking. It is but natural that business men should be reluctant, if at times they shuffle somewhat, in giving to the world their relations with a patron when it can do them no good, especially for the benefit of some one who may be after the account; and besides, it has a tendency to disrupt the relation altogether. A patron of a bank or a mercantile establishment could not feel complimented that his dealing with either was a matter for exposure to outsiders, or that his character and private affairs should be picked to pieces for the benefit of an outsider with whom he had no relation, and whose only object is to convert what he had learned into a commodity.

This has no bearing on that reciprocal divulgence between creditors for mutual information and protection, in which "he that is wise may be profitable unto himself" by not employing a go-between who serves no interest in particular, but all alike that buy what he so gathers, for if all customers are not served alike he would be a partial reporter. But at all events the near-by customer is served first, or if there be favored ones, the distant or less favored ones served last, although a number of each may have an equal interest in the subject-matter. And there are business men who are made uneasy by the approach of these interviewers, whom they regard as the "irrepressible vultures" in the commercial activity. But the knowing reporter

has studied his approach to the thick and thin skinned informants, and manages to have his talk with the "discourteous know-nothings." The most artistic mode is to hear of something in connection with some one these may be interested in, for a reporter can learn the name of some of their patrons in noting the address of shipments, when an interview may be precipitated to learn if what had been heard about such a one were really a fact. How many business men are cajoled in this way, and how many have been disturbed in mind, incurring expense, no doubt, to get at the truth! By the device an interview is had with a possible customer. While the man of self-counsel usually preserves his composure, in that he does not always fall into the trap of being pumped for his opinion of the party in question, yet he is likely to make remarks out of which something may be put together in the form of a report. It would seem that if the business man talked about his patron at all, concerning his personal and pecuniary status, a full expression ought to be made, as a gloss would do him more harm than good in the fertile mind of the conservative reporter, and knowing the irresponsible medium through which his observation here and there is to be published to the business world. Still, if he did so it would be a breach of confidence with his patron; besides, he would commit a wrong against his own private interest.

For a banker to disclose the amount of one's deposit, how much he owes the bank, or how prompt he is in meeting his obligations which pass through the bank for collection, is suicidal to the business, as such gross breaches of confidence would not be tolerated when found out, and, though done in secret, in time the discovery will be made. There are times when bankers even would not care to have some other bank disclose for publication what was known about them, or some money-lender who could opine what they owed, and the nature of the security held. It should be stated this is not believed to be a common practice with the banks, yet there are many infractions of this confidence with bankers, as they know best that do these things

specifically. And what is the difference when a mercantile establishment does the same thing in connection with what transpires in their counting rooms, only they have as a general thing no security, as the bank takes; and if some one else tolls away a patron, in all probability they have themselves to thank? "Yes, but we'll put the law on him if he does not pay up." Yes, that is the best way to force a failure, when pro rata

will be the song.

Interviewing these two classes of business men, bankers and traders, with reference to the personal and business standing of others, and their answering such questions, is perhaps the most reprehensible feature that complicates the great wrongs of the mercantile agencies. And certainly it is a feature which is nourished, because fundamental to their money-making, since these opinions cost nothing, while the opportunity is constantly present for exploiting the mine of revenue. These men are not blind to the fact why they are deferred to so patronizingly. Whether the reporter digests the opinions so collected to suit his own views, or sets them out seriatim in his report, the effect is the same on the purchaser, for "authorities" " names are not given. Since, whether he accepts the opinion of the reporter in the rating, or is advised to form his own conclusion from the several opinions set out, not knowing any of the persons who expressed themselves, or the motives which prompted them, he must conclude one is about as reliable as the other. Indeed, the average customer would prefer the one opinion, since it is not unusual to find authorities diametrically in opposition; hence the "Time is money" customer prefers a glance at the rating, whose symbols he knows by heart. And so of his own experience, knowing the value of information got in this way, if he acts on the report he does so in a spirit of speculation, hoping that the reporter may have struck the happy medium.

Thus we hear, "Credit is a something so subtle in its essence, that, as it may be obtained almost without reason, so without reason may it be made to melt away." But, nevertheless, in the granting of credit almost al-

tile agencies?"

as to depute their judgment, the question may fairly be asked, "What use, then, have they for the mercan-

CHAPTER XIII.

A MERE claim of being promoters and protectors does not make it a fact. The pretender is the most urgent in pressing his claim; quackery is its own walking advertisement; endorsement and testimonials are never wanting if you know how to go about getting them. In some callings, effrontery is a much more valuable capital than either pecuniary or moral worth. But for this it would be difficult to understand how it is the mercantile agencies advance the claim that they promote and protect trade or commerce, as the terms are commonly understood, and certainly their commodity has no commercial value. If it is narrowed down that their customers comprise the trade of the country, which no doubt they would like to see controlling it, what about the great body of the people they spy upon for the benefit of their customers? Many of these are engaged in commerce, but how are they promoted or protected when they are the subjects of their espionage for the revenue? If they are benefited then it must be as they choose to bestow their favors, since so far as they are concerned everything is arbitrarily done. The character, habits, capacity, and pecuniary worth of men must then be fixed in secret by a dictatorship. which, although moved by the best of impulses, it could only be a matter of hit or miss, since few or none of them are really known to it in respect to these attri-And as what commodity they sell is for cash, as nominated in the bond, so they are not competent judges of credit in regard even to their own customers.

Whatever the extent one may justify himself in going to, it is well understood that self-interest is the ruling spirit in the activities of life; and, on this point as to their reputation, if some men deserve a reflection

on their standing more severe than others, it is not entirely because they have been more indiscreet in laying themselves open, nor is it justified, however incommensurate one's capacity may be to his desire for learning the reputation of men, that he should call to his assistance agencies which may blight or exalt them unjustly. Open acts, or acts of indiscretion, they ought to be able to spy out and report. Acts of craftiness, which work the most injury in any department of life, the mercantile agencies would be the last to discover, but rather they may be misled by them, or in fact put to their And it is not sufficient to say that what is unjust to one is just for another, as we see the injustice put in motion at the instance of the latter for his alleged benefit. And besides, not only is a wrong done to the subjects of these reports, but they operate to the disadvantage of the customer, or rather they are an imposition on him, as he would be advised to act on something of which the real adviser he knows nothing, while his direct adviser, who is the vendor and receives the profit, does not youch for the truth or reliability of the article he sells.

It is human nature to lean towards those in whom one is interested-whose own interest may be promoted, while those who have his envy, prejudice or indifference, may not receive the same consideration. Man may be an elevated creature, but he is never backward in expressing his preferences, as men differ in notions of right; how wide apart can they be when some one's else interest is at stake! No one knows this better than the mercantile agency reporter, when day after day he calls on persons for their opinions of those he secretly inquires about; and, as he lurks from place to place, he must certainly meditate upon the complex characteristics of the human race. But what minds he the discrepancies, when the easy way out of it is only a matter of division, conservatism bending him adversely perhaps, aiming rather to incorporate in his reports a reflex of his informants, especially if the authorities be customers, than thoughtful of how his reports affect the subjects. If he interview a customer as to his patron, there is something of a mutuality of understanding, and his opinion should have the precedence; while if several are interviewed, the party a patron of all of them, and there is a variance, which usually happens, the task devolves on him of reconciling the differences. It may be noted, however, the reporter does not waste time on "investigations," for he has a mind of his own on which the first hearing goes a great way, or as one said, "The conclusion of what

his ratings should be, got to be intuitive."

Now what prompts the opinions for those reports in which the subjects are published to the customers of the mercantile agencies as worthy of credit, who fail so soon afterwards; or those deserving of credit, but a warning sent out against them? when they are visited with the mortification of having their applications declined, so mysteriously to them? Rank injustice has been done; the customers acted on local information which they would not rely on in regard to their local transactions; somebody has been lying-perhaps under a mistake. If the source of this information was the same, could it have been that the authority cared less for the account of the one who failed, and more for the account of the one who had been refused credit elsewhere? Or to put it the other way, perhaps authority was so interested in the former he was inclined to lend him a helping hand on being asked his opinion about him, and not so inclined towards the other, by some word or act, hence the information goes out his credit is not so good. But business is hard, cold and selfish, the conflict is for accumulation, every advantage must be taken to gain the supremacy.

There is one thing that can be said of the mercantile agencies; no better means could be devised for the circulation of these secret opinions, whatever their object. And if the above is a truthful illustration of what may be done through them, it looks like they are as a double-edged sword which one customer may use against another, acting and reacting on each other in regard to those accounts which would be shifted to others, or accounts decried that they might be held. Indeed, it

is charged, there are customers of the mercantile agencies whose opinions others will not take for this reason. And the upright customer, who hopes he may derive some benefit from such reports, is the very one who places himself in the greatest danger to the extent of his using them, for all are served with the same reports; and as he is conscientious in supplying his opinions, in return he may buy the opinions of those he would not believe. The best evidence of how he may be deceived is in the reference book he has at hand. He may compare the ratings with his own knowledge of the parties rated, possibly his own. But he may not have learned his full lesson at taking the advantage of every opportunity; and there are persons who are not customers of the mercantile agencies that have patrons So subtle in its nature, yet subworth spying out. jected to such a treatment, is it possible that any man, who is not a student in all the advantages to supremacy. would rely on such evidence of credit responsibility? If it is perceptible of those around him-those he has investigated for himself are incorrectly rated—the same methods pursued throughout the system, it must be logically applied the misleading pervades the whole system.

Thus, in the language of the court, one part of the community is placed under an organized system of espionage and inquisition for the benefit of the other, exposed, from the very nature of the organization, to perversion and abuse. Yet this is not all. For those who are presumed to be benefited, although some of the customers may reject the idea, are amenable to the charge of supporting a system which is a wrong, not only to the rights of society, but an instrument that may be used for the infliction of injury on each other. although the reporter may feel he is giving publicity to their opinions for their mutual advantage. How many reporters are told that accounts are balanced, or that such a person had so much money deposited, when his note was held to balance the one or to offset the other! How many are told of protests, collections unpaid, payments slow, this and that hinted at or had been heard,

which give rise to opinion! And how many reporters investigate the facts lying beyond, or interview the parties affected, before publishing what has been heard, and from which opinion is deduced for the rating? If business make men so selfish, being the art of gaining the supremacy over man by the power of wealth, how often should these opinions be taken contrariwise to the meaning of the language used, as under this depraved object of business such expressions might well be viewed as the

Machiavelism of commerce?

The mercantile agencies sell you a book of reports, and then tell you not to rely upon it. This seems to be honorable, and plainly put. "Get the extended reports," they say, "as changes are constantly going on in the manner of their ratings," and yet the date of the extended report may be older than the book. Necessarily so, as the books are published four times a year, and the reports, on which they are founded, reviewed but twice. Their explanation may be, "The intermediate books have additionally the new names captured, others scored out," yet the body of each edition is made up from the preceding one. But get the extended reports by all means, although the books are founded on them, for after the books are sold that much more revenue is secured by selling the written reports.

But is there any other way for the reporter to get his "information" except from the authorities as he gathers it? He is in no business or position for distinguishing the relations which men bear to credit. He may find out that one is credited by a particular person, even the amount may be told him, but there is a vast difference between this and the general credit he is entitled to, which the mercantile agencies affect to establish. Here it is again, for they work by the rule of inversion all the way through, as it is well known a general fact is not established by a particular one. As a general thing, people do not confine their transactions to one house, traders seldom to one market. A person inquired about may have his "line of credit" in the four parts of the country, and in each with a number of creditors. The reporter interviews one of these, or

perhaps several where he may be, and on this local opinion he must establish the general credit of the person inquired about. Even were these to tell him every fact so far as they are concerned, nothing has been learned but the particular fact of his standing with those who had been interviewed. Other creditors might have told a very different story. It may be that inasmuch as other possible creditors are not interviewed, to cure this defect in the system, conservatism is adopted, when the ratings are "shaded" as answering for what had not been "investigated." And as a great many more of the ratings are shaded, it may be concluded that what the reporter does not find out foots up a great deal more than what he has "gleaned" from those around him, although so endued is he, or must be by investigating, with the knowledge of the private character and credit-standing of others, and its value so necessary to the communities which have adopted him as a go-between, they must have the results of his arriving at people's general standing, costly and truthful as may be.

Credit has its limit, governed by circumstances no one knows so well as the one who asks for it; and should be have his limit, whether with one or many, it is the business of the one who grants it to learn what these circumstances are, as perhaps many business men entertain different notions of its merit. Is there more than one way of finding out this, and then to punish the recipient if he practices deceit? In one way we see commerce purified of the opportunities for the swindler and liar; the attributes of the honorable better known to the dispensers of credit; fewer failures resulting, with a consequent lessened waste from the resources of the country. But one way, with its penalties, would be too plain and straightforward for the necessities and shrewdness of some business minds. Misrepresented as the credit-seeking public may be, in sharp competition, which is characteristic of an active commerce, it is very readily seen what injury these ratings may impose on commerce, although shaded on the side of conservatism, producing failures, defaults, and the like, which as a

general thing result from overbuying, because, greatly, the honest and reliable are put at a disadvantage by their ratings. Now, suppose a mercantile firm had the character, capacity, and capital to entitle it to a general credit of \$1,000, and a distant customer of the mercantile agencies inquires for its standing. The reporter investigates among local creditors and learns the firm owes \$1,000, but pays promptly. The report is written, relating these facts, with such other local opinion as may have been gathered, but ending with a shaded rating to meet such contingencies as the reporter may suspect. It is distributed everywhere to meet the demand of the customers of the mercantile agency he represents, the rating published in the books. The reporter does not know what the firm's limit should be; it has visible property of several thousand dollars, an outside inquiry indicates it buys in other markets; all he learns is from the local informants who may not have learned themselves what it ought to be, and yet the report goes out stating its general credit when already its credit had been exhausted. The truth is, instead of being up to date with the facilities of transport and communication, these make the mercantile agencies a dangerous expedient for credit information. And when the general credit is so given out, why should not every customer of the mercantile agency in question extend the firm the full amount? But it is not customary for business men to go into detail as to the amount of credit a patron has. Suppose the informants stated generally the firm had credit with them, appeared to be worth so much, and was satisfactory in payments. This would, it seems, entitle it to a favorable report, and the customers acting on such, what reason would each one have for not filling the firm's order within the limit? The firm may be anxious, too, to make money, when after overbuying and unable to avert a failure, the list of creditors may cover a sheet of paper, each unknown to the other, but all undertook the risk at the suggestion of their necessary aid in these times of lightning express and electric communication,

Something is the matter with the credit system of the country, or the tremendous losses would not happen with each recurring year, to fall so heavily on the productive energy of the people. But would there be a change? Capitalism is speculative; it is better able to withstand temporary loss, when it has the means and talent to secure the first fruits of failures. The more of its competitors driven from the field, that much

is concentration and supremacy advanced.

One's credit responsibility is with himself; it must be learned from him. The person to learn what it is must have a direct interest involved; he should arrive at its estimate by lawful means for his own use, and respect the confidence of the inquiry as a private matter between man and man. And when this is done, and when the law puts its stamp of condemnation on the traffic in reports of the character and pecuniary standing of men, the value of credit will be more fully established, and false statements be less heard about. The elasticity of principle in the inter-state commerce act could be put to a better purpose than the mercantile agencies would have done, as there are other sorts of conduct which might be made amenable to the law as nuisances to commerce, its misrepresenters and burden upon it, besides some casual interference with inter-state transportation. It might be men would not go so far from home to get credit for what the home market could supply, but certainly the loss to a more equalized distribution of the wealth of the country would not be so great, nor the charges of swindling so numerous. There would be a more equitable opportunity. The credit seeker would be bound more by a local opinion of true interest. instead of that secret local opinion expressed by no interest but for the effect of its publication and sale abroad.

Commerce has its natural laws, which are developed by and through the selection of processes belonging to its organization. If its freedom is opposed by positive and special laws, in its survival the struggle has been greater even in shaking off the immediate dead weights and abuses, which continually are present and carried

on in its name. No less in its physical body, there are parasites that attack its more complicated parts whereat it pertains to human conduct, and none are more harmful than those which have "feet that be swift in running to mischief," as mercantile agency opiniongivers. In any work of espionage suspicion and grave charges of wrong-doing must arise; and of all those who are thus employed, the mercantile agency reporter or correspondent is perhaps the most liable to produce these vexations; a private system of inquisition, partial and without restraint, could not be otherwise. The swindler and sharper, the liar, those who are honest and capable, the irresponsible and the trustworthy, are to supply the meat, and in the great hotchpotch of inept symbolism, what difference should it make in publishing collectively the caricatures, when there is concealment and freedom from responsibility in procuring the materials which have been elaborated in original form, called the extended reports, on which the caricatures are founded to be circulated en bloc? The first may perpetuate their wrongs with the aid of a favorable report, the aggrieved may fret and wince, but the mercantile agencies' withers are unwrung. The reporter or correspondent may be subjected to accusation or even assault, but he may feel that his suffering in mind or body ought to be vicarious, as it was his mercantile agency that did it, which, however, would still put it on him, although with the understanding his name is not to be divulged, if it can be helped without any pecuniary suffering. He may have been as upright as the nature of his work permits, but from its character and the impossibility of doing even justice, he often realizes the charges to be just, when in all likelihood he felt at the time of his interviewing and reporting he was doing a very just thing within the scope of this work. In spite of his wits and intuition, he sometimes finds himself undeceived. The field is expansive in which he operates without restraint; the fairness of such work is in its details; but with reason he can say the details are too innumerable and hard to get at as he goes about it: temptation besets him in the way of

favors bestowed, which have been characterized as "the bug under the chip" when the divergence from fact is too patent in his reports; while the secrecy of the work, accompanied with the facility for obscuring or denying the personal responsibility, is but an encouragement to those who are inclined to report with imaginative effect. Out of the thousands of mercantile agency reporters and correspondents that infest the country, who can distinguish the dishonest from the honest statistics telling us of the unexampled tendency to criminal conduct-especially among the correspondents who as a general thing are unknown even to the mercantile agency they serve? And yet, all the injuries and misrepresentations which proceed from and are published through these reports may not be chargeable to the reporters and correspondents, only to the extent that the reflection and dissemination of the opinions

of others go out from them.

It is a most natural thing, on being interested in the truthfulness of a report, for one to ask, "Who says so? where did it come from?" And still there are business men, in the most exacting duty on their intelligence and fairness, either from indolence, cupidity, or what not, who know as much about the origin of the reports they buy from the mercantile agencies as they do about the paper it is written on. Less, for were they to attempt to trace out the information so bought, they would be balked by the very agency which supplied it. But were they aided, they would be led into the realm where a variety of motives have their impulse, for if "authority" were found who could say, "That was my idea about it," the investigation would have to be further prosecuted to learn the impulse that moved the idea. It is difficult to imagine a thing so hard, selfish and material as business, should be supported by so tenuous a prop; yet, as a necessity to those who patronize them, the mercantile agencies may be of that supernal uplifting, having a realm of their own, that with whatever props they wedge under its stability, they must be relied on by faith, and faith alone. Exclusive of the great mass of guess-work set out in the reports,

whether for or against the parties reported, there are those occasions in which it is possible that the individuals who collect the data have been influenced or deceived, there being no judge but themselves, although it may be as possible that the greater number of the false reports which are circulated were believed to have been true. This means the reporter or correspondent has been imposed on by "authorities," or there has been negligence in collecting the data, and it is not seen why they should not have this justification, since the authorities are as numerous as are the persons who may be interviewed and willing to express their opinions for a purpose. Their names are not given, and being so numerous it would probably be the greatest task imposed on the memory of the gleaning reporter to remember the authorities, after his material is put in the course of traffic.

Opinion is susceptible of great flexibility. And in the matter of accepting gifts on account of the position one holds, it depends entirely on how it is looked at. There are many in higher stations than are filled by any class of mercantile agency employés that accept them; and the mercantile agency correspondent, who is paid nothing for his services, may feel that a gift, or other token of regard, is his official perquisite in the absence of a stated reward. And why should the reporter look upon a gift to himself as a matter of personal consideration, rather than as a perquisite belonging to his office? He is filling the place which up to half a century ago was not realized as a long felt want, and perhaps there ought to be occasional acts of gratitude from those who find or sound in him a serviceableness which must not be overlooked that an advantage through him has been discovered. But when his reports, and those of his genus, the correspondent, are bought by the customers who afterward realize a wide divergence from the facts as disclosed by their private sources of information, or the supplementary reports of failures, the facts taken from the public records showing debts owed never heard of through the mercantile agencies, to say the least, grave doubts must arise as to the protecting or advisory quality of such discovery. And when some responsible man, desirable for credit, is reported adversely, the faith of the customer will have received its just reward by sticking zealously to the long felt want. No matter how the reports are wrought, or the cost and hurt to himself, the promise of promotion and protection imparts the grace that abides with him.

with him. "Sir." said a reporter to one concerning whom he had an inquiry, "I represent the --- mercantile agency, and I have called to get a statement of your standing. There are some unsophisticated dealers who are put in a flurry by such official introduction. They may never have heard of such agencies only in a general way, and while they may be astonished at such an interference with their private affairs, they have felt also, that as the stranger may be clothed with authority they had better comply. Under these circumstances, however ignorant one may be, he is not likely to go into his private affairs further than what might be discernible. value of such a statement as to true conditions is apparent. And yet, what is said, verbal or written, is put through the process of "corroboration" by some outsider, and the reporter holding in memory a stupidity of not knowing the business of the necessary adjuncts of trade, he must conclude the maker's capacity would hardly justify a general credit. In all probability a blank rating will publish him abroad, although at home his personal and business standing might be excellent so far as he would permit himself to use his credit. "But," said another who was similarly approached, "I have no business with you. Why should I go into my private affairs to satisfy what seems to me an intrusive request? If I owe you, or if you have something I wish to buy on credit, and you desire to be informed as to my responsibility, you are free to question me." "But you will be benefited. I represent the — mercantile agency, that supplies this kind of information to the trade, and I am here to get the information for a special inquirer." "Well. if your special inquirer is interested in my circumstances to the extent I have mentioned to you, say to him what I have said to you. I am ready to answer his questions when he asks them in the proper way. From what I understand about your work, I think it doubtful if you know who the inquirer is. I'm sure I do not? How do I know I am to be benefited by your report of me? I am not to see it, nor is it my privilege. This of itself seems to be a pretty strong proof that you report as you please. Even were I to make a statement to you, the result would be a challenge of my veracity; as your own and the opinions of others, I am told, is your guide. No, as a matter of principle, I shall not expose my private affairs to you for the only use you have of such information about me."

How many reporters appreciate the stand taken by this man? At all events it would be no backset. The necessity of trade demands the information, and the world is filled with opinions. The report might be, however, pregnant with the fact that the party had been asked to make his statement, which he declined to do, and while authorities—the outside opinions say thus and so, yet in the absence of the party's statement it is difficult to form an estimate of his pecuniary responsibility, when as likely as not a blank rating ends the chapter. It may not occur to some men why such reports call forth the advice from apparently friendly sources that were statements made to the mercantile agencies they would be enabled to deal more fairly by them in their ratings. This advice may be for a deeper purpose—self-interest mingling with kindly admonition, and yet, if the adviser had a direct interest in the person he so advises, he would have no trouble in obtaining the statement at first hand. Is a foundation being laid for false representation, the counseling customer aware that a false statement is less likely to be made to an interested individual? But inquisition may be used for frightening as well.

If credit takes the place of cash, certainly no man who asks it would hesitate any more to expose his condition for it than he would if the transaction called for the money down; and certainly, if he refused to do so the credit dispenser would no more hesitate to declare the transaction off, than if it were for the money down which was not forthcoming. And while the effort is made to have the courts rule that a statement made to the mercantile agencies should have the same effect were it made directly to the person who bought a copy of it from them, this circuitous plan of fastening on one a false representation must have its hidden purpose when the party interested has a plan of his own, more direct and established by law. The man who is not so even-tempered on learning the errand of such self-introduced visitor, but dismisses him summarily, applies epithets to his work, disbelieving that justice would be done him were he simple enough to be an aid in his prying business, might hardly suspect that he had "put his foot in it." For the reporter may have a more vivid recollection of the episode than what he noted of his surrounding evidences of capital, and a memory for revenge besides. This illustration is but of that spirit which pervades the breast of any self-respecting person, but are the odds against him in his refusal to comply with demands that assault the very honor of domesticity? The reporter commands the situation. however, as he is engaged in an affair which "is sanctioned by the usages of commercial communities;" and all in secret, why may he not avail himself of his reprisal for the repulses he encounters? By and near, these repulses are applauded in opinions not always heard by the reporter in his customary round after his material.

Those who make statements to the mercantile agencies may be described under two main heads, the obliging but indifferent, the irritable but compliant. The first is very likely to say, that while he hardly sees the necessity of his making a statement, still if any one wishes to learn through the mercantile agencies what his standing is, he is ready to make one, as they will send out a report of him anyhow. He has always been inclined to think the mercantile agencies are good institutions in aid of business, yet they are of no use to

him as an individual. It is more for the satisfaction of those who patronize the mercantile agencies and may be interested in him that he makes his statement, yet he is perfectly willing to make statements to them direct if they desire. He is not seeking a high rating, only he would like to have justice done him in the reports and books, and it is hoped the reporter will see that this is done, although it is of small importance to him, as his debts give him no uneasiness and a great many houses seem to be anxious to sell him goods. The reporter can inquire around and find out how he stands.

The other type wants to know who is inquiring about him, and the reporter can say truthfully he does not know, if the inquirer is not a customer of his office. If anybody is afraid of him let him make out his account. He will pay it and call it quits if his responsibility is doubted. This incessant asking for statements by the mercantile agencies has got to be a bore. He supposes they are a necessity for those who use them, but they do him no good. What he has, he got by hard knocks, and he has noticed that when he owed anybody he got his money. The drummers did not seem to care to call on him. The mercantile agencies must find it an uphill job in keeping up with everybody when so much scheming is going on. He makes his statements to them from his books, but they do not treat him right. There is Smith across the way you rate away up. I know how he stands. Look here at my last trial balance, and I want you to tell me if I ought not to have a better rating than you give me?

If he but knew it, Smith was the authority who passed on his statements before the rating was assigned. Now there are as honest men as ever lived of both these temperaments, and yet, such temperaments are widely differentiated in the moral aspect, but to see this difference made obvious only time may unfold. That one or the other of these types fails, owing greatly in excess of his actual assets, is not necessarily a proof of dishonesty. A great many persons are able to make truthful statements, largely with a credit surplus, when soon afterwards, owing to what some unexpected

turn has developed, the discrepancy may put their veracity under a cloud; and with this reverse a constant liability upon them, there are men who refrain from making statements of their means in this public manner, fearing that future discrepancies may bring upon them unjust reproach. The figure sharp has an easy task in solving reputation with these discrepant statements before him. The mercantile agencies treasure the statements made to them, the regeneration of a new business life is no part of their work when an actual fact although old may be retold as something new. "He did thus once, and is likely to do it again," is good enough analysis of the old life for the new one. While but a very small proportion of those reported make these statements, the largest share that do not are never given the opportunity; and inasmuch as the opinion of the public furnishes a better and cheaper criterion of their standing, it would be a unique study in ethics to learn the difference in value as guides to credit between those ratings which follow statements. and those which do not. If the mercantile agencies believe in such a study they could aid in the research prodigiously, as they hold the data—the statements and their criticism of them, and their "public opinion" reports.

"Why, my friend," said one to another, who had passed to the other shore so far as the mercantile agencies were concerned, as he had failed, and his name and reputation no longer supplied them with a going traffic, "in your statement to the agencies you make your assets three or four times more than you valued them to the assessor." "Oh, well, one is what I paid taxes on, the other I got credit on," was the very candid reply. Then there is the one that belongs to either of the temperaments who makes his statement unasked. Probably this does not occur often-the voluntary statement. "Your rating is doing me an injustice; here is how I stand according to my books;" or, "As you may want to know how I stand, here is my statement." These voluntary acts may be from the highest motives; but spying and inquisition justify conclusions by their own methods. The subjects must be under a suspicion of one sort or another, and the voluntary acts of those who fall under such consideration, unasked for, although in the way of adding to the article of sale, must intensify this suspicion. None understand so well as the mercantile agencies the abuses they are put to, and while they make no pretense of assorting the honest from those who may be swindlers or liars, the one who attempts to promote a design through them of his own accord, is pretty certain to fall under the head of having committed an overt act for a sinister purpose. Viewed either from the moral or selfish standpoint, from the nature of such work, they are justified in having suspicion aroused by these voluntary statements, and, which on being referred to the opinion of the local authority, the maker is in the same predicament as he was before. The reflections of this inquisitor are depended on, although no better known than the maker, and what he has to say, probably depending on the state of his feeling, coupled more or less with the condition of the compiler's digestion, the maker has laid the premise for an investigation of a crafty design.

Those who render an account of their private affairs to the mercantile agencies, knowing they have no interest in them, in many respects can hardly appreciate what they do. They not only aid in supplying a commodity from which they receive no advantage, possibly to their great injury, as they furnish the ground for secret criticism and reflections on their responsibility: but in recognizing a work that strikes at the civic establishment of equality, they encourage an influence well calculated to disturb or destroy the highest relations in commercial intercourse; they recognize also an authority for trafficking in the privacy of life, and being the most deeply concerned they yet have no part, as the conclusions in the article for publication and sale are founded on opinions of which even those buying are not permitted to know the authors and critics of their reputation; a go-between in private transactions they obey, whose acts, were they done

openly, would not be countenanced, but done in secret. which makes it still more odious, the law of equality would be made its authority. And aside from the influence for centralizing the wealth and opportunity of the country, placing the man of limited means at the greatest disadvantage, the most baneful effect is on the morals and individuality of the people. And as we certainly have a considerable number of dishonest people who are engaged in commerce, it would yet be difficult to say how much the mercantile agencies contribute to the making of them by their awakening opportunity. The very feeling that he is spied upon rouses all the craftiness in man. But more remarkable still, those who make statements to them aid a work, which is suspicious of the honesty of man by calling into question their truthfulness, for no sooner are statements received than the process is gone into of picking them to pieces in secret, the chief object and criticism being to discover the lie. And in general the analogy of the lie is found somewhere, since most of their ratings are shaded on that side which affects personal standing.

Any reasonable man feels that if another is entitled to be informed of his affairs or standing, he should not hesitate to ask him for a statement, or to inform himself in a manner that shows him respect by confidential inquiry of others for his personal and private use, Either of these methods may be characterized as instinctive, so much so, in fact, that it affords an explanation why so many authorities are imposed on by the mercantile agencies in answering their inquiries, not fairly understanding the business they are engaged in, or forgetful and in violation of the first canon of such inquiries, namely, the inquirer should be directly interested. Then why should these reports be procured and circulated in a clandestine way, affording a commodity to the mercantile agencies for sale and publication to all their customers, when the inquirer was perhaps a single customer, and always the only one interested in the subject of the report so sold and published? And is it possible that on account of the report nobody else of "the business world" cares to deal

with him? In placing one portion of the mercantile community under an organized system of espionage and inquisition for the benefit of the other, the injustice cannot be maintained, because those who are alleged to be benefited say they establish this usage, as it is necessary on the ground of cheapness, if in truth they do say such a thing, instead of it being said for them. No claim can justify another to invade the private rights of the citizen without the sanction of law, and the sight which the principles of law most abhor, but which the mercantile agencies would have the law to wink at, is traffic in the reputation of the citizen, especially that kind by which his standing may be impaired. The mercantile agencies deal quite largely in private morals, "character and habits," and how startling that a private system, disclaiming responsibility for the hidden work of its army of spies, detectives and informers, should be permitted to prescribe standards of reputation for the citizen, thereby arousing the most rebellious spirit of civilized nature! And to show how absurdly unreliable the system is, one mercantile agency is just as likely to elevate his standing above real merit, as the other is to plunge him into the lowest depths of unworthiness, denying him every insignia of the vital essence which it must prescribe, before he may start out on the ascent they mark out for

And in quitting the important question of their right or use, which may be maintained on no ground in a civilized state, it is denied that their service is cheap. This of course involves their reliability, the strongest proof against which is the grotesque difference between the two leading ones that pretend to do the same thing by the same practical method. Those who speculate on this difference sow the seed of bankruptcy with a lavish hand, either for themselves or others, although it would be much better for the country were they the first to go under. The confusion in the first instance of so mixing the good, bad, and indifferent credit risks operates as a very serious obstacle in the way of the better class of business men, who allow themselves

places, in their parlance he is called a traveler, and very much of a bird of passage he is, as he tarries long nowhere, since traveling costs something. He is a swift observer, taking in the various situations with respect to the standing of men and their affairs almost at a glance, while so sensitive is his impression to what he sees and hears, it may be said his excursions to the country are for the purpose of practicing his art in instantaneous photography of human character and habits, fortunes and debts, capacity for business, and the deserving or undeserving of credit. His work, arduous, however, prods him on to some other place, and the speedier it is done that much less cost will be charged to his good service. He has been known to alight among entire strangers, himself a stranger perhaps to the climate or even nationality, and inform the inhabitants what they should or should not do in behalf of the great interest he represents, the promotion and protection of trade, and by following his instructions their own welfare will be advanced. The more rural the surroundings, he becomes a creature of consummate impudence and loquacity, and should some inhabitant make an observation beyond the intelligence of his narrow self-importance, he is likely to conceal his ignorance from the rustic behind a sneer he has seen before and borrowed. His observations are, however, so catholic, his knowledge of the world so broad, the glibness with which he speaks of prominent people, their affairs and foibles, and the importance of the place he fills in the business world, there are gentle minds that imagine his presence and demands must assuredly be by order of an authority which must be obeyed. If his calls are casual or far between, it is likely some of the more verdant will hold a conference to find out what the mission of the important visitor is, those especially he has asked to prepare their statements, while he is off with the local correspondent, or some other authority he has picked up, in privy consultation as to the personal and pecuniary standing of the business population by name and employment. Quick-work opinions will be got of those who live in the town and

the country contiguous, when the statements made out are submitted to the same authorities as to their truthfulness, at the same time the private reputation of the makers is passed on, their moral and business standing, habits, character, and capacity. A goodly lot of commodity in its raw state is got in a short time. But these visitations are seldom; the statements requested by mail, and the correspondents, or whoever may give their opinions by letter, more generally relied on for information, while many of the country precincts are never honored by so distinguished a visitor. And yet, even some of the larger places do not seek the honor, judging from the local tax laid on the work of the mercantile agencies, and the rough reception by some citizens of the mercantile agency reporter. If in the North the importunate but cunning catechist is coldly dismissed, in the South the door shown him with much warmth, the mannerism of the East more in expletive, the irate Westerner has been known to order him, be-gone! with the suggestion that his posterior would make a good foot-target.

So, it may be concluded, in divers places he is not a welcome visitor, especially when he begins his prying work, or suggests that he represents "a power in the land." But, nevertheless, let him only get the opinions of Tom, Dick and Harry, and he is in position to inform the business world how all the Richards, Thomases, and Henrys thereabout, stand as to their personal character and business responsibility. In all probability these local units have been awakened in regard to the work and main object of the mercantile agenciesthey have a better opportunity of seeing how the work is done; and not only here, but in the larger cities, there are a number of individuals who have a sufficient cause for exasperation on being plied and cross-questioned by a stranger with no interest in him, but who comes self-introduced as trade's "necessary vehicle."

A traveler who "revises" a town, say of two or three hundred traders, in a day, is an artist, but the opinion-giver must be as ready with his answers as the questions are crowded on him, who, if obliging and has not his own object in reserve, delivers himself up truly to a mental and moral ordeal. Think of it, adjusting in a single day the character and pecuniary worth of two or three hundred men to meet the requirement of trade! Incomprehensible, unless it be done by a process whose patent is alone among the discoveries of the emanant mercantile-agency reporter, and he is not often regarded a mental prodigy either. The opinion giver is transformed into an automaton, and the faster this authority turns out opinions, that much faster can character and fortunes be made or unmade; and to the extent the traveler has sensitized his memory for receiving the various shades of standing as they are to be adumbrated in his ratings, that much more

time can be employ in pumping the reservoir. "You stop to think; you have lived so long among these people you ought to be able to tell me all about them offhand." "Yes, I know pretty nearly all of them by sight, but you see I have no occasion to inform myself in regard to all the points you ask. As to this person you ask about, I shall have to stop and think awhile before I can say. It is likely I have him confused with another man here; you had better see some one else about him." "No, I see you are well posted; I am told you know all about these people; your opinion is as good as any other man's." The traveler had the ear and tongue of one who was willing to give his opinion, and it was his purpose not to let him escape. If a knot were struck and the opinion failed to come forth, perhaps he could help along its delivery by prompting. The subject of the conversation may have been attending to his business not a hundred yards away; he may have been an estimable person in all respects; the report of him may have ended with a blank rating because "authority" knew nothing about his circumstances or personal standing; in the case of which rating it may be implied that cash dealing with him would be the safest. Who the authority was in this instance it would be hard to determine, whether the interviewer or the interviewed, probably the former, as he has a genius of his own for defining character and responsibility by giving artificial completeness to fragmentary opinion. There is, too, much convenience in this kind of genius, for the facts may be supplied with a suggestion that cash transactions are much safer than those on credit, which no doubt is a good rule to rely on; besides, it should be valid excuse for finding in truism a service well discharged, when the great wear and tear is considered in keeping track of the ups and downs of people, classifying and branding them with a mercantile-agency trademark, as, in general, those who essay the task know as much about estimating credit responsibility, or have as much interest in knowing the personal standing of those they affect to report, from a business standpoint, as the ghostly presence of their simian ancestors. But there is one interest which excites a genuine anxiety, and that is, the machine-made reports must be in readiness to put in stock at so much

apiece to customers.

It is matter for astonishment that a class of persons whose methods and intelligence is best known to those who patronize them, may flit over the country on errands of this kind and have sensible men buy their stuff, though pretending not to rely upon it, when they should realize that in proportion to the injustice done to those who are written up for securing their patronage, they do violence to their own moral and business intelligence. There are many, however, whose notions of duty and respect for society can best be measured by their business conscience; the make-believe of charlatanry in this kind of work not acting altogether on their credulity, they yet take the promise largely on trust; or hoping, no doubt, that by their patronage, while no substantial benefit is thought possible to their pecuniary advantage, if the process is a devouring one, like Polyphemus' courtesy, the mercantile agencies may leave them for the last to be eaten up; or possibly, it is the surest plan for being boosted up to a higher niche in the cone of capitalistic fame. And, as the mercantile agencies hold lightly the reputation and fortunes of others, so they are in a vendible form, the latter may be the proper motive from the practical side,

and powerful influence?

Thus we find, names and reputations are captured by wholesale and retail, assorted and graded with a symmetry that fairly dumfound precision, when the customer is left to learn for himself, man as he really is, and not as he sometimes appears in pript, or told about on the principle his name and occupation make the substance for the action of credit, while the arbitrary signs and symbols which depict him in the various degrees of credit comparison, at best are but a composite shadow of opinion and imagination, is queer," said a customer; "not long ago you made a statement to the mercantile agencies in which you purport to set out a full representation of your assets and liabilities. I do not marvel so much that the assets in your assignment do not come up to the value you place on them in your statement, as all of us, perhaps, are inclined to overestimate what we have, but here in your list of creditors you name for the first time persons you owe who get about all." "Those are my confidential debts. My confidential debts are different from my trade debts. I do not believe in telling too much to the mercantile agencies about my private affairs; my friends who assisted me would not have thanked me for it. After I got in bad shape, of course it would not have been honest in me not to provide for my confidential debts." No doubt the mercantile agencies had pursued their method with exactness in this case. They had procured the statement, referred it back to the local correspondent or other authority for corroboration, who returned it with opinion, not only as to the statement itself but as to the maker's personal and business standing. From whatever mo-

tive, opinion had succeeded in establishing the reputation of this party for the benefit of the business world with a good fortune and character, when on proving the so-called confidential debts, he showed his insolvency at the time the statement was made. For some reason the customer, and the losing creditor, who had so badly been deceived, did not attempt to get the court to look into the statement from a criminal point of view, as for false representation, which undoubtedly he might have done had it been made to him directly, as in this case he would have had given him his action for deceit. Customers who have this experience, and there are plenty of them, whatever the object in supporting the mercantile agencies, must realize that with many such repetitions, although by courtesy of policy the mercantile agencies may leave them for the last to be eaten up, they will be among the first to be broken up by following their reports.

CHAPTER XIV.

In the affairs of life action is the first essential. The quality may be right or wrong. It is not conceivable how the utility of action may be properly directed without the force of thought; and certainly, that which claims performance in the research of the springs of action which move others, the work requires not only the profound thought of responsibility, but demands that aid of the moral faculty which is guided by duty. To do right by man is the highest duty; to injure him through prejudice or recklessness, or by those acts which cupidity prompt, is the highest grievance, notwithstanding the bravado of immunity which is encouraged by the power and influence of money. There is no mutuality of interest in the mechanical work of the mercantile agencies, the action directed more by the desire to lay hold of something in the nature of credit information, which may be put in vendible form, the controlling duty being to supply themselves with a stock in trade. The thought for those who are served out to their customers, whose rights are implicated beyond all others, as a general thing without any knowledge of what is being done in regard to the collection and sale of opinions which affect their personal and pecuniary reputation, and not only in respect to these. but those who make statements to them, secrecy is enjoined, even a contract of secrecy is required, that no one outside the business world, that is, those who are not customers, is to know what is said or done by this great work at debauching duty, thought, and fair play in the affairs of men.

Truth does not ask to be concealed. The greater the truth the greater the libel; then are we indeed a nation of swindlers and liars, that such concealment is neces-

sary in the mercantile agency reports of us? And does this argue that the customers who are privileged to see the reports of themselves are not all truly reported, unless in this respect they are sui generis of the greater business world? for they are not heard asking for damages to their reputation, with the evident libelous communication in hand. Hence, laying aside the object of profit in this kind of traffic, which from all accounts ought to be satisfactory to the most avaricious, reciprocal interest is lacking, and duty to others is divested of ethical thought; and the principal beneficiaries being removed from those who are reported, others doing the work for them, is it strange they should feel that a special providence ought to be provided for them by law to assist and protect them in an impersonality so profitable? However, the force of invasion and acquisition has very little to do with morals, as certainly in the seizures by espionage and inquisition man is not to be measured by such high-flown notions, but as originally, he remains a wicked creature the centuries of civilization and Christianity do not improve. At least this must be the way of thinking by those who have the atavistic instinct of wrong and plunder reorganized. So, if the reports of the mercantile agencies are a true guide, they are correct in their estimate of him in spite of what the anthropologists tell us, although the perverse creature, in this day of light and reason, must be impressed, call it the old superstition, with the belief that surely they are mysteriously aided in such swift collection and sale of truth about him. The fact is, however, the man is measured by the measure of their work, which is felt by the thousands who are captured without their knowing it, and then tumbled haphazard into a crucible to come forth shaped and branded with their trademark. That much more money is in sight, since for each capture "the business world" is supposed to know nothing about his private character and pecuniary responsibility until they are put in vendible form in right of the capture.

If the love of money is the root of all evil, a desire is planted in the human breast which cannot be over-

come but by the will of individual strength over self. and then only when the one so possessed is in a society of enlightenment that condemns his acts. So there may be a way of preventing the wrong action of this desire, despite the influence of wealth and organization which stands in the way. But yet, well may the intrigue of money power, and the diplomacy of organization, arouse deep solicitude in the minds of thinkers; not only those who view the situation from the standpoint of Christianity, but those who are profoundly concerned with our social conditions-our civilization, its onesided tendency—the state of that nationality in which possessions take the place of humanity. As it is said. there always remains a potential strength with a civilized people, which, when brought upon the theater of action, its reviving influence or readjusting power is not to be withstood. And let it be understood, there is another spectacle of Uncle Toms, whose opportunities and aspirations are hardly less abridged, but whose vision is more dreadful of pauperism and slavery, because of a greater intelligence for realizing the tendency, yet who await the happier coming of the white brother to deliver his own race, many of his flesh and blood, from the intolerable despotism. American individuality! what a sneer from the plutocrat! This is a free country and the race is open to all! What a falsehood, when even the laws of the country handicap all but the plutocrat!

It is quite easy to conceive that there should be an assurance against risk in government, as men take advantage of it in business; and it is this potential strength of assurance which is the most imposed on by the law's favoritism, as it is made to pay the premium and conserve the government as well. If the social state is advised to divide itself into opposing combinations, producing disorder, oppressions and defiance, and perversions of common sense, it is to be hoped this potentiality shall not remain latent until the premium shall be the price of an awakened personal and national degradation. And it may not be to the call of patriotism, but rather in response to that

indwelling voice which bids every man protect himself and the objects of his domestic care. Vigilance now sleeps by no means, although forbearance may be that enlightenment which is long suffering before the fire of resentment is lit. Hope has waited that men

may come to their senses.

What the mercantile agencies call their correspondents, it would doubtless be hard for them to define, unless in the abstract that all are so called who reply to their requests for opinion, whether or not they understand they are filling such a position. It is hardly likely they would admit having no correspondent in any community; and as the names are kept secret, such as they have, the whole community may be regarded as being their correspondents to the extent that any member is persuaded to answer their requests. In the cities and larger communities where they have no office. they probably make appointments who receive a compensation, for no less we are getting to be like the Europeans, who are said to prefer place, so it is in town, called an office, and has some sort of a salary attachment. But commonly they get no compensation The lawyer correspondent is supposed to be directly. paid with the fees from the collections the mercantile agency he represents advises its customers to place in his hands; or in case the mercantile agency conducts a collection department of its own, when the collections are turned over to such against debtors in his jurisdiction. At places where the inquiries may run up in the thousands in the course of the year, it is not likely the lawyer correspondent would undertake their answer for the fees, and if he is not paid an extra compensation, a salaried reporter may be stationed at them, if Tom. Dick and Harry are not responsive to their requests as a matter of gratuity. But the great number of correspondents, those residing in the smaller places, regular though some be, others occasional, almost any one who will reply to their interrogatories for opinion, supply the material out of which the country reports are manufactured. Unpaid, or paid in gifts of nominal value, this is perhaps the most profitable of their mines, supplying them for their market a material which costs nothing but the asking, stationery and postage. mode of procuring their commodity is hence worked to the utmost. And if one delays answer, or gives evidence of intentional silence, it is an easy matter to give some other "authority" at the given place an opportunity to relieve himself of his opinion. Bankers, merchants, lawyers, postmasters, almost any one whose address is available, are interrogated, and often at places where they have their obliging opinion-givers, but who have been crowded. Crowding the correspondent, and no pay, is likely to dull his enthusiasm, whatever his penchant for the secret work; and more likely it is on this account, fearing to drive him off, that the draft on his opinion is moderated, than for any regard of the imposition laid on him for his gratuitous services.

But of these who answer, it is probable that most of them would repel the charge of being such correspondent, especially if caught in an act; yet, while they may object to the title as a public notoriety, it is an appellation which is a choice one with the mercantile agencies, implying they have informers right on the ground as secret quidnuncs, who impart to them only what they know; and the correspondents must admit that they are responsive too, with tales or opinions, which entitles them to no second place among informers. And if apart from any sinister motive which may be subserved in answering these inquiries about their neighbors through a channel that is neither just nor in compliance with business principles, they must admit that at least they are obliging for the sake of playing the amateur at being secret informers. This is reasonable, as man does nothing without a motive. The ethical question is not raised, whether under any circumstance one may state a falsehood for his friend or neighbor, or for self-interest, but rather: Should he be a voluntary informer when called on by a disinterested party, with no right or legitimate interest at stake, only to reduce what he has to say to a commodity, and whether adversely told about or not, the subject of his opinion is given the widest publicity so far as others choose to

buy? The mercantile agencies do not prepare their commodity for one, or a few, but for all who sign the agreement and buy, which is the boundary of their business world.

The best of men, especially in their business conduct, do things at times which are not in line with business exactitude. If they have individuality and open independence, the inquisitor has but little trouble in finding them out; and yet it might be the grossest injustice to advertise such acts. They may be the fragments and accidents of a business life. And when told on secretly, and without any connection with the unity of the whole personal and business conduct of the person or firm thus advertised, the local correspondent, the reporter, the innumerable authorities who are interviewed make of themselves very dangerous citizens. Is it not a fact that the open acts are more likely to be seen or heard than those acts which more substantially affect credit, but may not be seen or heard, as any one would be more guarded in exposing these than in acts less cared about, which might fall in the way of the gossip or informer? How differently the correspondent must feel on receiving a letter of credit inquiry from a known business house! He knows a personal and direct interest is involved in the request: and on answering he knows that he implicates his judgment and personality in a confidential communication that is recognized by all as a business custom, whereas, when he communicates with a mercantile agency his authorship is unknown to the customer, who is the only party of direct interest besides the subject of inquiry whom he reports in secret. The business, the justice, the ethics, of the inquiry would strike him at once as being of that confidential relation which subsists between business men, and to the extent he would be willing to go in preparing a reply, his best endeavor would be exercised.

Chiefly these correspondents constitute the rank and file of the great army of inquisitors and informers, whose uncompensated services go to make richer and more oppressive this extraordinary system of underground work. How infatuating must be the employment! Unknown to the general commanders who reap the profit: their highest reward repaid in thanks from a subaltern, or in occasional presents, which would turn a true manhood in disgust upon itself. The honor of the position, a self-contained vanity, concealment that it may not be condemned. But would it be out of place to inquire if it were possible for this free-service army to be so obliging, only they find it the best means for ventilating an infirmity of tale-bearing, and their private opinion of others which will go over a wider range? It is not believed, however, that a great army of people can be found anywhere that is afflicted solely with pruriency or spitefulness. Perhaps the most satisfactory answer could be found in the reports they supply; yet this need not be necessary, as a slight analysis of the several parts which diversify men into sundry kinds of informers would uncover much of the motive, if the particular authority's name could be learned. And if the extended reports are out of sight, on the principle they are communications of privilege, which, however, is a varying principle as you have your justice meted out to you in this or that tribunal, those who are interested in how the authorities and reporters have disposed of them may be able to find themselves boiled down in the reference books for convenient handling, which are more accessible in the keeping of a customer with whom they have dealing, if they but approach the stuffed oracle of reputation with a commingling of awe and stealth.

If man has passion and prejudice, likes and dislikes, his own or a friend's interest to subserve, he could place on his integrity no severer test when he engages in this secret work with the promise that his name shall not be exposed. And what of the authority who places his own business selfishness above his concern for others? We are told by a shining light, "Business for the most part is selfish; men engage in it for gain and supremacy;" and yet, men so engaged are mainly the mercantile agencies' correspondents and authorities, rivals and envious of those they report, struggling for

the supremacy which money wins. What an opportunity for the business man! There are some who placate conscience by saying they help to make up these reports for the good of the community. This excuse is general enough if they but confine themselves to reporting the swindlers and sharpers; but all are fish that come to their nets, and none are permitted to know the language used in telling about their character, habits, and pecuniary status, especially after it has passed through the revising process of the mercantile agency the correspondent represents; and, in truth, before all others, his community is the last to know what he reports. He must mean the communities he benefits are elsewhere, an ironic use of the indefinite article. Yet the home benefit may be intended to be special to some one, the resultant wrong for some other community; or the specially injured, his neighbor, or those in some other community who have their experience with his neighbor he reports. To be sure the motive is concealed in all this complexity, although the world has long since realized that in secret inquisition the twin seed of laxity and oppression is bound to grow. But as it is a recognized business, somebody must be benefited.

The good of the community! This may be something like the good old correspondent who said he knew very little about the mercantile agencies but he did think a great deal of his people, so, before he would injure one of them by accident, he reported them all good. This might not suit the customers if it did his mercantile agency, since it got the commodity, but that correspondent was moved by a philosophy of benevolence, although it might not be appreciated by other than his people on first thought. Sitting in secret judgment on the subjects of their inquisition! Disinterested to the extent of having no interest involved but the good of the community, and yet the community not to know the finding of this judgment. Sending up their finding for recension and decree to the hearing of last resort, whose only interest lay in appropriating it for the purpose of converting it into a privileged commodity. Exalted tribunals, the wisdom of intuition, no responsibility anywhere. Immaculate justice that goes cloaked in secrecy for the benefit of those who buy it. And all for selfish business. But the milder phrase sounds better, "commercial usage," which may imply a world

of wrong.

Neither do these correspondents appreciate the tendency of what they do, unless it be that reckless disregard of being engaged in something which must eventuate in evil to every community. Whatever motive may be behind a secret inquisition, whether for private gain or an ecclesiastical policy, the spy and informer is its necessary adjunct; and while we are learning by experience its evil, would it not be wiser to accept the lessons already learnt from history—from those who have suffered from its infliction, and the degradation by it of the noblest of impulses, nay, those who have been ruined and made outcasts by it? Most despicable the employment, with the correspondents and authorities especially, self-imposed, and unre-

warded only as self-interest may suggest.

With no excuse then but to satisfy a personal motive, that any community should need in its midst an accomplice of the mercantile agencies, when the legitimate and more reliable method is open to all who have an interest in being informed as to the personal and pecuniary standing of its members. A complication of thought must indeed be produced in the minds of men over the synergy of our industrial organism, as now used for nourishing the inventions and tyranny of avarice. It may not be said these correspondents do the work from the habit of being polite when courteously asked to do a thing, for politeness recognizes above all things the rights of others, as it is the last sentiment that prompts to do in secret what it would not do openly. And while a satisfying vanity may settle in conviction that such work is for the public good, the results must prove differently, as from its nature the true interest is not represented, being in the hands of unknown informers, whose intelligence or ignorance, impartiality, prejudice or self-interest, may not be questioned, unless some circumstance has disclosed their i

It is said that those who have met with poor success themselves are the most prone to pass on the standing Cavilers, perhaps they have more leisure for thinking how others should conduct themselves. Or, unless it be, however, the correspondent is eminently successful, and performs the work for that consideration which furnishes opportunity to his way of getting on in the world. But in passing on the reputation of others, what about their own before a conscience that may not have forgotten how to blush? But, if the correspondent is so hedged about by concealment that he may not be judged by standards of mental or moral worth, the issue of his engagement may be; for while he is nameless, his hand in the reputation of his neighbors testifies that if he is not moved by some moral obliquity, he must be sadly deficient in the facts and methods of a system of which he makes of himself a pliant accessory. There may be many, and perhaps the belief is justifiable, since man is not always a learning creature, who have been led to suppose the mercantile agencies are organic parts of the commercial system. Understanding their methods, a single pause would undeceive them, for if commerce required such a system, no civilization would allow it to be usurped by private organizations, unless helpless, as there is no system which may be carried to a greater abuse and oppression. It is high time then for these people to dismiss from their minds that commerce lays claim to any such mysterious adjunct, although it is to the interest of the mercantile agencies to keep the idea agoing. Commerce is open and aboveboard in its requirements. So much cannot be said of all who are engaged in it; and this does not proceed from any true spirit of commercial activity; but turpitude, normal, or made necessary for the supreme accomplishment in its euphemism of business selfishness, is the brisk leaven of the rascalities committed in its name. Inquisition is no remedy for this defect in human nature; and while under limitations the mercantile agencies might do good service in hunting down and exposing the swindlers and sharpers, but relying upon correspondents who

are given a free hand, the question of motive would still remain open in telling of their neighbors. If dissimulation, deceit and downright lying are to be corrected, it would be magnanimous that all should be permitted to profit by the discovery. But the work would yet be distrusted if it bore the mark of an inquisition which was organized for exposing the body of the whole community, since no community is believed to be so thoroughly demoralized. And besides, by placing the whole community under such suspicion, the confederates in the work having their own motives to subserve, inquisition makes more prolific the very things it starts out to correct. To circumvent the swindler and liar, would it not be better for the possible victim to have a direct understanding, or is the public law inadequate? If the mercantile agencies get their statements to make money on, why should they not make them to get credit on? There is a sort of reciprocal relation in this transaction, a mutual benefit, "What are we here for?" And with the correspondents and authorities, as you get our services and opinions to make money on, shouldn't there be a reciprocity somewhere, even if we must find it?

Besides the quidnunes and community-serving opinion-givers, it may be supposed from this there are others who take pleasure in filling the post of correspondent. In one way or another every relation must have its reciprocity, but commonly the mercantile agencies are served for no direct pay from them. But is it not the lesson every day that money is the thing, schemes on every hand for its acquisition, aggression and taking the advantage the order, get all you can out of the other fellow? Why should there be any hesitation in turning the mercantile agencies to account when they are the grandest scheme of all in the headlong pursuit? Whether one be a regular or casual correspondent, he has his opportunity; and by pushing himself, his tale-bearing a little more explicit, in time he may be booked as a prompt and reliable authority; while, if he volunteers his opinions, or vigorously communicates some happenhe pretty sure of being acing of notoriety, he

cepted in confidence to the extent that his fertility will be worked for all it is worth, nothing allowed for his product only thanks and well-wishes, its value as a commodity unquestionable. For if there be an art in operating the mercantile agencies, it would seem its exactness had been reached when the material for their commodity is produced without cost. Well may wealth and its influence be secured when one has the extraordinary talent for utilizing the product of an unpaid

army of workers.

And what then does this multitude work for, if every human act has its motive? One of the talented who is exceedingly arrogant in a poor quality of self-esteem, judging from what is reported of him, although high in the council of credits from the mercantile-agency standpoint, that is, in designating the reputation of men he knows nothing about, in relation to their private affairs, has imparted his opinion that the person who gave advice when asked was a fool, but on giving it unasked he was a damned fool. This would imply that as he is in the advice business himself for the profit there is in it, if his advisers sold their article to him they would be pretty wise fellows. The application is general, and as he calls his commodity, among other names, advice, it appears that his correspondents who send him their gratuitous advice, which he puts in shape and turns over to his customers as a wise man should, for money, act by him for the privilege of being regarded as in some degree a fool. Doubtless he is right in his estimate of many of these free advisers, while others are willing to be so regarded until their inning comes round, when, on being termed fools, without knowing that they too had meantime been "getting in their work," the epithet may well be put by with a sneer. But if presumption and conceit and the sale of advice obtained free permit the charge, the charitably inclined correspondents might not feel that the epithet should be applied to them; those that answer the more politely worded letters of urgency, who are more kindly of heart than fools, but perhaps more like the obliging soul who could not resist the polite

request of a gambler to sit in a game with him that he might be robbed. They may think that urgent necessity deserves their charity, although not knowing

whether the object be deserving.

Whether the correspondent may have a private interest to subserve, or whether he does the job merely for the honor which has been pitchforked upon him. the character of his finding is substantially what the traveling reporter collects from him, only now he has more time for suggesting his own interest in the matter. All alone, the lightning traveler not by to prompt him to say things which he might wish he had said the other way; all "in confidence" between him and his mercantile agency; no exposure of his name, he composes himself to answer the series of printed questions as suits him best. What will he say? Who is the person he is going to write about? What is his own interest? He is free to express himself and in secret; this is a selfish world and men are taught to take every advantage. All the mercantile agency wants is a commodity to sell. Is the one inquired about a friend or has he his prejudice, or is he one that may be used as his tool? He has observed that a most successful plan for getting up in the world is in making tools of others. The request for the information is urgent; he has no time to look around; and besides, he must absorb what he advises in a quiet way lest he be discovered. Does he know the real facts in answer to the interrogatories? The true interest involved is with the customer, if the inquiry was initiated by him, whom he knows not in the special "world of trade," and the party inquired about. Has he dashed off a part of his absorption, or amid the diversified reflections of friendship, prejudice and self-interest, with a secret opportunity without being known in the matter hereafter, how has he written?

What advice he sends out is of the deepest moment to the person or business he has secretly reported, for in a few days the record is circulated of a reputation for the business world. He knows one thing; the mercantile agency for which he reports can have no more interest in the subject of the inquiry than he has, from a selfish point of view; and if he had more of another kind of interest, one of legitimate transaction, he would be a fool sure enough to advise the mercantile agencies in publishing it; or if his object were of another kind still, with a kindlier regard for his neighbor than for those of an impalpable world to him the opportunity might be used in behalf of that interest which diffuses itself into a variety of home benefits. It may truly be said, that if the customer could but know whose interests the correspondents and opinion-givers, as authorities, subserve—their own, or whether they were for or against the person they tell about—he would be in a better position to know as to how he should govern himself in respect to the advice or suggestion of his

mercantile agency reports.

Then why should one engage in this secret and suspected work, allying himself with an organization that only pays him the wage of insult by asking him to engage in it, and having no interest in his community but to convert the opinions of the reputation and private doings of its inhabitants into a commodity of exclusive traffic? It is hardly within the range of belief to suppose that any one would so employ himself unless there was a selfish motive in view. The benevolent citizen could not satisfactorily, because, censorship is foreign to his disposition; the intelligent, as such, would not, knowing that by doing so he assumes to do the most indeterminate of things, as he would be loth to fix for any hierophant of credit, especially that one which reason tells him is false in principle, the character and responsibility of individual persons for future guidance. But anybody has his opinion-may have his opinion of what is visible and habitual. Yes, but commonly, do the correspondents any more than the reporters communicate what they know of their own senses? and were it a fact that they communicate only of their own knowledge, are they justified by law or morals in secretly making of themselves informers, knowing that what they communicate will be converted by a system, which has no interest in those they inform on, into a commodity to

be widely distributed, and is made a standing record

against their neighbors?

It may be put down as a moral truth, that when one reports his fellow man, truly or falsely, in a manner which reflects on his reputation, for no other reason than that he is the correspondent of a mercantile agency, his regard for him can hardly be moved by a friendly spirit. The theory is, they report all inquired about in their respective communities; and the most juicy piece of information for the mercantile agencies is the advice that some one previously inquired about has done something which disparages his personal or pecuniary standing. This is proof to the customer how alert they are. If a mean or low nature, whose open acts may be restrained by local sentiment, finds its opportunity in secrecy, what might be said of any nature that engages in this work? Hence, if espionage is repugnant to the higher sentiments, we at once arrive at a perception of the kind of persons that must be employed in it. The reported without a hearing; the beneficiaries of the reports with no interest involved but to make a stock in trade more complete; instigating a wide-spread publication of persons, which, if false, may never be overcome or refuted, because the record is a secret one whose influence while felt may not be combated; the adversary not to be placed, and if placed the defeat likely to be that much more humiliating, as he is behind the cover of the law's delay and judicial interpretation, the great deadeners of personal rights. Confederating with the tyranny of commercial abuses, they are doing good so long as special interests may push aside the public good and private right.

"I am puzzled to know how it is. According to your statements to our house you are in excellent shape, and yet I see you have no rating in my mercantile agency book. You have been a good customer of ours, pay your bills promptly, do a good business so far as I can see on my trips, and you seem to have the confidence of the people here. It is all right for us if you are not rated. In fact it gives us a better hold to sell you goods by restriction in buying from other people, but I am

really curious." "Well, that may explain where the bug is, for often when I order from a new house they tell me that as I have not established myself with them, it would be well for me to send them my statement and references. But I am perfectly willing to do this when I ask for credit. There is a firm here, not doing so well as I am, in fact our bank carried them over from last season, who appear to get all the goods they want and no questions asked. The mercantile agencies are constantly after me for my statement, but somehow, I have been bull-headed enough not to accommodate them. I don't see why I should. They have no interest in me one way or the other, and I ask nothing of them, so I suppose they rate me as they see fit, as I have been told they would do whether I made a statement to them or not. They, or somebody else, cause me a hitch every now and then in having my orders filled, but when I send on my statement and references, and tell the houses what they can expect, the goods come along. The delay worries me sometimes, and it is annoying to go to the trouble of setting myself right so often, but we all sell goods to make money, and want customers, so I suppose it is right for those who take the mercantile agencies to look further than their first evidence of my standing and responsibility." "Then you do not make statements to them? They must find out something about you. Who are the correspondents here for the mercantile agencies?" "That I do not know."

This man was battling in the dark against odds he knew nothing about. He did not know that his competitor, who had such free credit, was the local correspondent of a mercantile agency, whose friend, an attorney-at-law, filled the same position for another; and when his competitor failed, local creditors came in to absorb about all he turned over, the lawyer his trustee. Circumstances turn up under strange combinations, but this may have been one of the accidents of commerce; yet combinations may be induced which are not always accidental so long as there are inquisitions for affording the occasion of such circumstances,

and its confederates moved by what there is in it for themselves. And probably, on occasions where the opportunity of such circumstances may be put to use. among the confederates there are some of them with whom the degree of wrong is reduced in conscience to venial refinement, much like those who use the government without compunction, that is, the greater number of the people who are unknown to them; but if found out in swindling a neighbor, or in lying about him to gain that supremacy which the selfishness of business dictates, the act would indeed be execrable. And why should not the feeling be stronger in connection with the mercantile agencies than with government, as with the former every concealment is guaranteed? Opinion was asked for and given; who is to question the honesty of one's opinion; and in expressing his honest opinion must one be held responsible for his mistakes?

"But, my friend," was the reply to the above merchant, "if you are not rated, those who have been asking you for your statements and references, instead of having the first evidence, as you call it, of your personal and financial standing, had none at all. If the absence of a rating from your name made such an impression on them as to excite inquiry, they were impressed more by a misrepresentation of you, and the mercantile agencies were used as the means for giving it publicity." "Then you advise me to make statements to them?" "By no means, for the man who has this chance to misrepresent you, would have no hesitation in saying your statement was not true, since the truthfulness of these statements is submitted to the local representative. You see, besides being misrepresented, your statement would give him the opportunity to figure you out a liar as well."

Immured in secrecy, and backed by a tyranny which would deny its responsibility to the law under whose protecting arm we all live and are said to get our just dues, opinion may not be throttled. In the lexicon of money-making, winion is a noble word for business'

sake.

CHAPTER XV.

THE mercantile agency reports cost money. This must afford a grim satisfaction to the customer when he recalls the media of opinion on which it is proposed he shall dispense the good office of credit, and then count his losses. And since his information investment is mostly in the gratuitous opinions of persons wholly unknown to him, he might be curious to be informed in what hands the cost finds lodgment. There is no doubt but that the reporter is a busy gleaner for his hire. while the correspondent who would refrain from making himself known as such by open gleaning, in consequence his own chief repository of opinion, he yet supplies the bulk of the raw material without price. If the reporter interviews a trader or banker as to the character and pecuniary worth of his competitor or patron, the trader or banker correspondent is asked for his opinion of his competitor or patron; and as a general thing the customers of the mercantile agencies are given the first chance to express themselves about the parties inquired about.

Business is carried on by a variety of men, whose standard of conscience may be no less various. That conduct of business is included which is said to be the most successful under the new definition; and certainly, so long as many of its methods are recognized, much less emulated in practice, the purpose of business in its ordinary sense may never reach the ethical atmosphere of true activity and opportunity for all. On the face that has forgotten how to blush this may produce another sneer. The idea of coupling business with ethics! The definition of selfishness and supremacy is invented for the advantage of the few who have the qualities! True; by selfishness human depravity may run its course; in supremacy, ethics would be put out of the ques-

tion when avarice and its power felt disposed so to order that a particular part of the community should be subdued to its benefit. Business divorced from ethics, acquisition and concentration supreme, the law yielding to this school of successful business men, of course there should be a greater tenderness for property than for

persons.

But have we not had enough of this kind of education, or rather, the experience of it? There are many of its lessons to be untaught, many of its devices to be sloughed off, for honesty in business is finding itself unable to maintain the struggle with the teaching and demands of this selfishness and supremacy, which are the less rugged though bold excuses for the crimes they produce. Yet in commerce, the facilities for communicating, and the exchange of information, must accompany its expansion; and yet, the true principle of obtaining this information is the ever present companion of its necessity, as it is so with every other art which is developed and perfected on the line of right inquiry. It is an old saying, that one undertakes all the responsibility he is capable of shouldering, by attending to his own business, without busying himself with the affairs of other people. In fact, to such an extent do we see the instinct of minding one's own business prevail that, even among the lower animals, intrusion always rouses the feeling of a natural uneasiness. And this is the natural reason why the mercantile agencies do their work in secret, although without secrecy one portion of the community could not be placed under espionage for the benefit of the other, giving rise to the ostensible plea of privilege, and out of which they derive their profit, the only interest which prompts them to their intrusion; and with the animal instinct, the subjects of their reports in full possession of an aversion to a meddling and prying into their private rights. so to avoid the clash of resentment, superior to the lower animals in the intelligence of what is due to others as in cunning, their emissaries work by stealth for the twofold purpose. Mostly what is got in this le value to those that profit by the way has the work.

Trespass is generally by stealth, especially when a wrong is in view. And where a sinister interest is involved, the question of variability arising as to the motive of man when looking after his selfish desires, is this the proper way to learn of the standing of others, when the correspondent or reporter who does the work knows his mercantile agency will not be hurt, whichever way he reports, and as for those who buy the reports, so far as he is aware, they do not exist? It is entirely credible that either may be indifferent as to who is hurt, so the asker or profit-gainer by his opinion

Hardly is it probable, whether from a profitless pruriency, or the interest of self, or sentiment or prejudice, that men may be found in any community who are so familiar with the personal and business standing of those around them, as to be in the position to answer at once the questions propounded to them by the mercantile agencies. On the other hand, the honest man who had informed himself for the protection of his own interest would more likely hold on to his information, otherwise he might expose his own affairs Moreover, he might not desire to aid in publishing to the world the private affairs of his neighbor, however narrow-sphered that world is which would impose on him its usages. But, it may be said, the correspondents, and the opinion-givers to the reporters, do not disclose all they know; they only give an inkling, which the compilers of what they say can construe as they please. In a series of cognate questions, some answered fully, others by implication or not at all, it may thus be seen that the intelligent reporters and compilers are pretty free in the exercise of this pleasure. Hence, it is quite easy to see that the reports may be founded on evasion or innuendo, fixing the character and pecuniary standing of men with reference to their credit responsibility; and to the extent of the correspondents and opinion-givers' share in the results, the wrongs done should be laid no less at their They do not vindicate themselves by saying the mercantile agency they work for lose nothing, or that those who buy what they have to say are not known to them as having any interest involved, hence no blame should be charged to them for expressing opinion in a

manner that seemed best.

"Excuse me, but really you ask questions I would hardly undertake to answer about myself. I have no special interest in knowing, although I know the man well personally. It seems the best way to get at his worth in property is to ask him. He is not far off, but I understand you mercantile-agency people value these statements at what you hear on the outside. You seem to go about it in the right way if this is true, for instead of troubling yourself with him you go at once to somebody else. As to his character and ability, these are adaptations which strike men differently, and were I interested in him I would be governed by my own impressions, on an investigation with these points in view. But while I might satisfy myself as to what he had, and his qualification for credit, other circumstances might have been overlooked, or even he might be engaged in something, or engaged to others, which would prove to be at variance with my opinion of his responsibility. And besides, if I relied on the opinion of others, who might have a hidden purpose of their own to promote, I might do him a great injustice. But if I had a settled opinion I would not mind giving it to one who had a real interest involved. In your case I do not consider you have such interest; and besides, although you say my opinion would be treated in confidence, I do not see how this can be, when you get it for the sole purpose of retailing it to your thousands of customers."

This young man had an awakening he never experienced before in regard to his work. The ex-customer of the mercantile agencies was sufficiently informed to express a decided opinion about some things. Perhaps his business sense was not educated up to that nice distinction in the request for a confidential communication, when the confidence is carried out by withholding the name of the informant, but the communication itself, the subject of the confidence, may be circulated in

the four quarters, wherever buyers might be found. Confidence is mutual. "You tell me your opinion of Mr. Blank, I'll ventilate it by selling what you say of him, but we won't give each other's name away." This was the suggestion made on the mind of the excustomer, who was to get the blame, in conscience, at least, but no pay. In no case was he disposed to ventilate his views in respect to his opinion of the reputation of others through the medium of a wide-spread notoriety. He had no interest to subserve through the mercantile agencies; he was neither malicious nor a gossip; in expressing his views to those who had a bona fide interest in knowing them, he was unreserved if he expressed himself at all. An accomplished man of affairs, he appreciated fully the comity which should subsist between business men. He was more emulous of a higher sensibility than the one who declared, that while fortune-telling to others, meaning the mercantile agencies, of the character and responsibility of his neighbors was an easier job than fortune-making, he yet preferred to stick to the latter in the exercise of his opinion, and abandon the other, especially as his divination had never been quickened by the crossing of his palm with the mystic charm. Too bad! How provocative of a strike, when the mercantile agencies have their palms crossed so liberally, and then do not make a "divide" with their leading accomplices! But this may be like the shrewd mountebank who was persuasive that the honor of a thing, garnished with thanks, is far more acceptable than any sordid remuneration; and to prove his great regard for those connected with him in his enterprise, he would let them take the honor, while he must content himself with the remaining poor dross of avarice.

And the art of combination. The jugglery of fortune-telling—telling the good spirits from the bad—and the plan of fortune-making, appear to have brought the art of money-getting to the highest pitch of business ingenuity; and to the extent, which is national, that such an art invites the secret exploitation of opinion or self-interest, to affect one part of the community

as it is intended to influence the other, the degrading wrong thus perpetrated on the people is no less ascribable to its honorary coadjutors in every corner of the land, than to its customers, who, as the self-appointed almoners of the public wealth they distribute to the mercantile-agencies at first hand, pay the exaction of this wonderfully contrived device at laying hold of money. Exercising the license of unrestraint, no limit is set on the number of their correspondents; for although traders and bankers often decline the post, they are not yet at a loss for opinions. Their reference books are catalogues of names and addresses; and further still, if the one written to is not in position to give the desired information, would be confer the favor of giving the address of some one who could, when again, as may be the case with most of the correspondents, no acquaintance or interest existing between them, very naturally the question arises as to which is the reliable one, the suggested correspondent or the person inquired about? It is not conceived that other than the person inquired about could be moved by other than truth and fair representation.

County officials and postmasters at the smaller towns who answer these urgent requests may feel that they have been obliging, but scarcely can they realize the manifold injury which may flow from a willingness to oblige, "as no one can tell the mischiefs which result to a community from a tattling disposition." They may imagine the mercantile agencies to be very necessary and legitimate things, and while they are the most likely to answer these inquiries from a disposition to oblige, not having as a general thing any interest to advance through them, they are perhaps in the poorest position for appreciating those facts, private and intricate, as to character, capacity, and pecuniary worth, which go to lower or raise reputations and credit responsibility. The official may know that some one has been sued, and postmasters may come to learn that duns and protests pass through their hands, but have either the interest to apprise themselves of the facts which lie beyond these proceedings? In a majority of cases such happenings grow out of facts no one understands but the parties; and to sow broadcast the information that this or that has occurred is but further proof of the baneful use to which the great engine may be put. And this applies as well to the reporter and correspondent. Said a representative, "If one allows himself to be sued or protested, it is a sufficient cause for taking his rating from him," possibly with the exception of those he held in mental reserve.

Thousands allow themselves to be dunned, protested. and sued; as an expedient, there are some in the higher business walks who seem to wait for such action; or these steps may proceed from a difference of opinion. But in resorting to such expedient for the purpose of postponing or beating another of his due, with some of whom the act is hardly an element for report of character or reliability, while it is rigorously applied to the small fry, whose rating, if any is had, is summarily struck down, the superficial report sent out of the symptom of his being in a bad fix, when in all probability he is indulging in a contention for his rights. It is not believed, however, that any part of these resourcefull opinion-suppliers is so pregnant with information as to appreciate the fact that the position which they assume to fill is in the nature of a trust, although its genuineness is mutilated by transferring the responsibility to an intermediate beneficiary, which disclaims the responsibility but accepts the benefit, thereby screening from the real parties in interest the true personality. The plan as it is operated, does honor to special legislation, or the exploiting of the people in the interest of a class. But while the venal statesman would hardly rise to the occasion of openly using his position for the purpose of such moneymaking, but secretly and with an understanding with the chief beneficiaries of his law-making, so, without being known in the transaction, the opinion-giver may use his position for promoting his own interest by aiding the instruments which conceal his identity.

"You complain of special legislation; do not pick me

out for your reproach. I am only one of a body which passed the law; and to be a member of that body of honorable and learned men is a distinction conferred upon me by the free choice of my fellow citizens." "You say somebody is misrepresenting you. Why do you suspect me, when I am only one in the community who might be the correspondent of the mercantile agency which you say is injuring you. My opinion of the mercantile agencies may be the same as yours, and your foisting the charge upon me of being a secret informer may get you into trouble. I may want your proof." To say nothing of the honorable legislator, the special law-maker, the correspondent, the special opinion-giver, was a finished adept at browbeating. He knew the mercantile agency for which he corresponded would fence to the last ditch before discovering his name. Had not Benjamin Douglass lain in jail before he would obey the order of the court to disclose the name of his correspondent?

What the state could not undertake without a revolution, the phenomenon is that much more astonishing when private organizations are allowed to overrun it in free spoliation of the most sacred attribute of society -at least that part of the social state which has cause for horror at the use to which it is put. Even supposing one is notoriously disreputable, or the opinion is common in his community he is impaired in circumstances, on the moral side, it is poor sympathy for his frailty, or his misfortune, especially for the innocent ones who are dependent on him and partake of his reputation, to hurl him into the vortex of a circling record which is a perpetual warning against him. The mercantile agencies would convict him as a criminal or vagabond, the world at large his prison. Those that have a material interest in him have their private and better means of information. If, on the material side, it is necessary for the business world to have a system of espionage for spotting the discreditable—the swindlers and liars, then let the mercantile agencies spy them out, but under such restrictions that they may not cross the line to monger indiscriminately in the names and reputations of the whole people. The disreputable might be deterred by the knowledge of such proscription and espionage over them; if misfortune has been the fate of the honest, let them work out their probation, and on their feet again, let the business world be relieved from the constant recurring to the old obituaries.

But what is the necessity for all this? "The business world," like those who do not belong to it, has the tried and ancient means, the lawful and only reliable means that the wisdom of man has yet invented, for obtaining the information it needs; and certainly in those localities which the private means are unable to reach in pursuit of a legitimate demand, it is not to be supposed the disinterested can do better to the extent of that satisfaction one's own means of lawful inquiry would afford. His own unsuccess would rather incline him to dismiss the proposed transaction. The act of his commercial traveler, who has been face to face with the credit-seeker, may have raised the inquiry; his agent on the ground looking after an interest he is employed to study solely. Is his own agent less reliable than the opinion of those he knows nothing about? And attending to his duties, open and aboveboard among the people, although his "good opinion was too often won by civilities rather than by responsibility," must he be more susceptible to the wiles of the swindler and liar than the spy, who may be serving self-interest before all other, or with less intelligence and interest in serving an impalpable something, but accountable to no one for what he does?

As every right imposes a corresponding duty on others, it may be protected by a physical force as well, without which, wrong-doing, born of selfishness and cunning, might never be beaten back only by this strength. But it is the business of the law to so protect the citizen that there shall be no occasion for his natural mode of defense, for in theory, at least, the moral idea is inculcated by it so the exigence of the natural mode may not be resorted to; and further, in this theory of civilization, nay, sometimes in practice, it punishes those who will not be restrained by the moral influence, but who would rather defy the positive law and endure pecuniary and bodily pains that they may trespass on the rights of others. Under no condition of the notion of private right are the feelings so wrought upon, as when in the daily course of his conduct one is secretly watched; and in those instances where reports for circulation of his conduct are made by a self-appointed censorship, with no interest in his well-being, only as he survives his name and reputation may be taken as material for traffic, or if he perish it is but an episode in the passing of a unit of this material, a

lively repugnance can but be engendered,

The bond slave had his overseer, the industrial slave has his boss. On the subjective side of these relations, the reporter or informer may be known, also the master, whose authority, if he be humane, may be appealed to; but the people at large have over them a censorship of their reputation, incorporeal by reason of its professed lack of responsibility, unknown in its acts, but which publishes them in this particular as it sees fit, with no other object in view but to traffic, not in his palpable flesh and blood, it is true, but in his endowments and belongings—his reputation, which is arbitrarily made for him through its secret processes. There is no appeal from the secret judgment registered in the secret archives; men may feel the effect but not know the cause, unless by chance. And should by chance the cause be learned, the pleas of denial, non-responsibility. privileged communication, etc., are interposed.

Wealth its chief criterion of power and influence, which would be further concentrated at the centers, although the estimates thereof in the hands of the proprietors, notoriously so of those distant from the centers, is as variable in amount, and dogmatically fixed, as must characterize organizations of arbitrary inquisition. If a foremost representative of this system, who was repeatedly advertised for the information of the greater business world, by this connivance no doubt, that he was worth millions, but in a short time afterwards the fact disclosed of his bankruptcy, how reliable is the

system, when in not knowing his own condition, he should set himself up as the oracle in dispensing opinion of the pecuniary condition of everybody else? And it appears there was speculation on the advertisements, as there is on pieces of "necessary" information which pass through the mercantile agencies; for as the imagery of surplus is made manifest by running wild through these mediums, the imagination of those who speculate on the manifestations must be disillusioned only by the improbability of such fortunes, or their utter collapse on true investigation.

"Why should I be niggardly in the expense of this work?" said an employe. "The agency is piling up money hand over fist. My salary is hammered down, but the expense account is another thing, in keeping up appearances, and the necessary conveniences of the work. 'Money-making business, is it?' Yes, why not, getting in the money it does from subscribers, and paying out so little for what is done for it? There are men who grow gray in serving the mercantile agencies for

glory."

You explain a great deal about your work, my friend. For fairness, liberal treatment, humanity, make inconsistent the new idea of money-making, that selfishness of business and its objective of supremacy; while those who are unceremonious as to the rights of others, or are positively antipathetic in this regard, have the best quality as the fit instruments for carrying out the plan. Give and take, is antiquated. Take all you can lay your hands on, and give in return as little as possible; be clever at squaring the account with the unction of wellchosen thanks and flattery, or a profusion of obligations which must be forgotten as soon as uttered,—are the most profitable traits of a truly accomplished business sagacity. The practice of this accomplishment on the correspondents of the mercantile agencies bears the happiest returns, who succumbing to the empty words of thanks or praise, yet mitigate the one-sidedness of their services by working for glory. And despite the precept that the servant is worthy of his hire, it should not be supposed that every correspondent donates his services for the opportunity of self-interest, although it must be thought the spell is curious which induces them to work on so willingly. But by so doing they aid greatly the outside world to penetrate the object of the mysterious device that would supplant the only reliable plan of credit information; and as it is insisted on with much reasonable concern that credit is getting more out of barmony with its equivalent, that interchange of faith and responsibility, fixed in a better understanding of the relation which credit bears to confidence, one great cause has been discovered which it would be easy to clear out of the way were those who

are truly concerned to act.

Reciprocal duty and obligation will not be branded at a price. The exchange of information between business men will be redignified; and in giving value to superfluity, the man who has the intelligence to find the demand, honest enough to be entrusted with the collection of money, he has the honesty and intelligence to know when to accept a promise, founded on confidence and pecuniary responsibility, when it is his professional duty to advise himself of the propriety of the act. Honest men, and in addition, many of true business genius, would not be classed with the irresponsible or unreliable, as is indicated by the absence or degrees of rating set against their names, because the haphazard reports of them do not show up money enough to accentuate their personal character or capacity.

CHAPTER XVI.

A prolific source of opinion is the lawyer correspondent; not that opinion of knowledge which is of his profession. And of all the persons that place themselves at the command of this service, from education and practice, they must experience the sharpest twinge of self-accusing on setting their hands to these secret inquiries. In conscious degradation of its lessons and traditions, how many of this honored profession would brush should they be pointed out as spies and servitors for a work they could denounce in the forum or from the tribune with a feeling of personal and righteous resentment! For while the books publish only the names of particular classes, every one is liable to be reported, lawyers included, from a Chinaman to a Vanderbilt.

Yet, every calling has its grades, and of course there must be lawyers and lawyers. Helping on a monstrous sham that preys on the vitals of the communities in which they live; pledged to the friendship and principles of the rules of order and conduct as the law of the land prescribes; bound by an oath, which is required in no other calling, that these rules shall be maintained: there are, nevertheless, a great many lawyers that correspond for the mercantile agencies. Lawyers are sticklers, and justly so in the proper spirit, for the dignity and importance of their profession, as at one time so circumspectly was it guarded against the grave charges to which it is exposed, that compensation was accepted only as a recognition for an honorable service. In prostituting themselves, for it is not their profession, to the mercantile agencies, how are they rewarded? And how long soever they may wait, an honorable expectation cannot be fulfilled, even though every man may have his price, as a matter of self-interest and opportunity, if the repayment is considered for having done that which one must do to make of himself a satisfactory correspondent. But this observation bears more upon those, who, while they seem unconscious of the results and meaning of such a connection, have hardly in view the prospect of using the mercantile agencies for dishonest purposes, although they may be quite obtuse as to the duties of a lawyer, both in

his professional and civic relations.

In general they are young men, totally inexperienced in business matters; and although many of them have to hustle for a living before reaching the road to employment and fame, they soon find out this work brings but scant ration, while it lowers self-esteem, and if found out in some of their incidental opinions, they could hardly expect to preserve a high regard for his professional opinion, which a lawyer desires to maintain among his neighbors. The windfalls of the non-reporting lawyer-collector do not roll their way, who is selected not merely to collect claims which pass through the mercantile agencies, or recommended to customers for this purpose, but mainly on account of a special talent or influence, when he has his feasts in defending suits for libel or slander. Gullible, hardty mature in the responsibilities of their profession, the sober duty of citizenhood not yet in its gravity, what magic for money-making if only a connection is formed with a mercantile agency, and the role assumed of being specialists in commercial law! Little do they apprehend the collection system of commerce; in a short time they find out the kind of claims which are entrusted to their hands; they gradually have their eyes opened as to the real use the other end of the connection has for them. Still the letters of inquiry concerning private reputations pour in, and should there be signs of dilatoriness, waiting perhaps for some turn in the correspondence which relates to their own circumstances, an alias will be received, accompanied no doubt with the reminder that man of business are expected to be agencies would not hesitate prompt. The

to bully this class of correspondents, for are they not made to believe they are being paid for their services? yet they must be gently used, for they might turn to be some of "the pestiferous shysters that stir up

litigation."

But it is soon found out the brotherhood between the mercantile agencies and the law merchant is very wide apart, with no connecting link between them whatever, when if the element of imagination combines with disgust, each for himself will wonder who has been the worst humbugged, the lawyer correspondent who played his part as the incident to a roseate expectation, or those who buy from his conduit his offhand ex propriis opinions of matters it is no interest to him to bother his head about. Struggling along, his best commons a free lunch with his glass of beer, as one said, picking up a case here and there before the inferior courts, courting the favor of possible litigants-and voters, too, no doubt, for to use a commercial traveler's phrase, the side-line of the lawyer is politics—in an atmosphere apart from the activities of commerce, the lawyer correspondent can but feel there are two dupes at least in his tripartite arrangement, himself and the customer, who are unknown to each other, while the profiting part of the connection is located at the intermediate point where the suction is controlled. He does not associate with the right class for picking up hearsay to be converted into opinion; with his personal and professional wants and aspirations for popular consideration, even more so as necessary to the material side of his profession than with the lay correspondent, it is to his self-interest to conceal his identity. A fine training, no doubt, in the arts of underhand and dissimula-

"Yes," said a lawyer-correspondent, "I will do what I can in the way of reporting these people; but in playing the detective I do not want to be detected. Write to me in plain envelopes, nothing on them to indicate who they are from. My replies need not be in my own handwriting, and when it is convenient I shall drop them in the postoffice as I attend the justice-of-the-

peace courts over the county." That lawyer was making perhaps fifty dollars a year out of his connection in collection fees, and was a political aspirant. It was a coincident, no doubt, that not long after these instructions he happened to be one of the counsel in two of the largest failures in his county. But in or out of the legal profession, the moral fiber of man is the same; opportunity is the great developer; and it can be pointed out, whatever the object of the motive lying beyond, there are lawyers as well that sacrifice both personal and civic obligations by methods which are secret, although not so talented, perhaps, as the brother who wins fame and fortune at what he conceives to be his professional duty in fixing juries and shaping up the evidence that the law may be beaten. Ordinarily, the collection fee is earned by doing the specific thing-collecting the money, but in this, insignificant though the total fees generally amount to, the lawyer must buy his connection with the mercantile agencies with the consideration that he is to report as well those around him when called on. Some reflections may arise as to what kind of lawyer it is who gets his practice, not by solicitation alone, but by buying it. Of course the pessimistic will believe he makes his profit somehow.

The collections which are received on the recommendation or by the direct transmission of a mercantile agency, in common are small in amount; and, moreover, as a general thing, they are put in this course of collection as the great bugaboo for frightening the alleged debtors into payment. Some lawyers have little hesitation in announcing that they represent their mercantile agency in this capacity; but as for the reporting, they prefer that some one else were suspected of doing the secret work; yet the understanding appears to be unwritten, that when one puts his claim in the hands of a known mercantile-agency lawyer, future relations between the parties are broken off. should be remarked to their favor, even among some of those that sustain them in their reporting, that it is uncommon for the larger business establishments to employ this agency for collecting, as it is usual for them to employ direct their legal advisers, although it might seem strange that while a debt is created on the opinion of a mercantile-agency lawyer, he should not be entrusted with its collection. With the diffusion of banks, the recognized channel of commercial collections, it would be no elasticity of belief to say, that practically all the claims which have the suggestion of mercantile-agency pressure or scare had been pushed previously by the usual facilities, unless, peradventure, there had been a dispute between the parties, and the pressure or scare was followed by the initiatory threat. But to threaten those who do not pay up on demand with a power that crucifies in secret, is something more

than flaunting a bugaboo.

And it is this infamy to which the mercantile agencies are often put for extorting, even were their reporting lawful and a sure enough aid of special interests besides their own, which should condemn the system as a public wrong and disgrace. The lawyer correspondents are their instruments in this respect. There are delinquents, it is true, who meet their obligations only under the pressure of threat or compulsion. But, for these, is the law inadequate? and saying yes, do we fathom one of the reasons why these systems are winked at? Yet, how many have just cause for delay, or even refusal, who yield to the pressure in fear of a secret bandying of their names under a cloud without the opportunity of justifying their course! and by reporting there are claims in the lawyer's hands against him, the fact is sufficient to take the props from under a man so far as "the business world" is concerned in his credit responsibility. If the claimant is not induced by the threatened exposure, why should he not employ the professional service himself, as it occurs to any one when the services of a lawyer are needed, who certainly can handle his case better than through an intermediary, as it happens when the mercantile agency runs its own collection department? For a small sum the address is at hand of reliable law firms in every section of the country.

In ignorance of those qualifications which inspire

credit, except perhaps to the extent of opinion founded on what is heard from others in casual intercourse; with a lack of due appreciation as to the sensitiveness of credit in relation to those matters which invite or destroy its confidence, the rough-and-ready opiniongiver, whether lawyer or layman as for that, may fail to appreciate the position he fills until he makes his own discovery that it is nothing more than that of accomplice in a gigantic plan of espionage. And the lawyer-correspondent is the thumb-screw implement of the machinery. It was amusing when a dignified one was heard to say, he was no detective at hunting up evidence for a trial in which he was retained, when at the time he was secretly active in answering the inquiries of his mercantile agency, which paid him as retainer what he might hope for but never get. But lawyers claim to have a practical bent of thought. If they have not the training, or are not in a position to judge the business standing of their neighbors, their own interest, if not the ethics of their profession, forbidding an exposure of the affairs of clients, they should, it seems, refrain by every rule of incompetence from being deputies in this clandestine work. He need not be surprised that his professional standing has suffered in the attempt to do that justly which neither he nor any other secret agency in pure meddlesomeness can accomplish; and while his incompetency, combined with his secret meddlesomeness, has produced its baneful results on others, he should not expect any one to have that confidence in his professional skill for making the best of the difficulty he has brought on by his reports.

As lawyers are much about courts of record, there is no denying they have the opportunity of finding out those post-obit. matters—the belated information so far as the passed creditor is concerned, and of course this species of information is hurried to his mercantile agency with the greatest alacrity. In cases of mortgages, assignments, sales, and suits filed, he is entitled to feel his time had come for the long looked-for collections, as it is too often the fact insolvents do not the creditors with like

consideration when they have the disposal of their property. But lo! He sends out the information and his brethren get the collections. Why not? The insolvent may have been credited on the report of a mercantile agency; if claims are entrusted to this mercantile agency, or the lawyer it recommends, they may go to the very hands that made the misleading report. loss running through his mind, it may well be conceived how the creditor feels. That lawyer is much more adroit-with a keener sense for business, who makes it known that he is the attorney of a mercantile agency, but when business troubles arise turns up the attorney for his home people; and after making everything hard and fast, would notify his mercantile agency that So-and-So had failed, employing him as counsel, and if creditors of the insolvent desired an attorney he could recommend lawyer So-and-So, who is an ex-

cellent man in his profession.

The thousands of lawyers who thus engage themselves, overwhelmed with letters of inquiry but waiting wearily for the better day of compensation, must indeed grow time-worn, and wabhly in opinion of human. character and pecuniary shortcoming, when like the profane squeaking of the anfractuous cart-wheel at the grease-pot, in utter resignation they are ready to give over under the lead imposed on them. Of course it must be taken for granted that when a collection is sent through or by the advice of a mercantile agency, it is correct and just; but when the report is made of such action, or when payment is refused or suit instituted, which should be reported according to the system, in either instance is the explanation of the defendant's reason for his course given equal publicity; and should the collection be paid, or the defendant cast his adversary, is the fact made supplemental to what had been published about him which operates against his credit? The weight of evidence is against the party who suffers a claim to go into a lawyer's hands, and the same may be said of those who allow their paper protested, or drafts against them returned; the proof is all in of their shaky symptoms-from one side, and out goes the report. As the language of the court might be paraphrased, the mercantile agencies see only with one eye, and obliquely, but with that eye on the main chance. A fact has been procured without cost, and sold. Their interest is at an end; if the customer desires further fact, let him so order, and there's more money.

What a borrowing from every age, adapting inventions for fright and oppression; the appliances for extorting confessions for the good of the soul succeeded by private inquisitions for the good of private gain! The keen collection-lawyer has been made a necessity, attributable in great part to the dishonesty and cunning this latter-day device must inculcate, but would be be party to a plan which is branded with the lineaments of so odious an antecedent? Out of bodily pain how many confessions have been made that were abjured out of the mouth of the martyr! Out of mental pain how many are made to suffer by the modern appliances. more lasting, as they live on to endure but are not to know the cause, the reason of its beginning, or the ending! And all for money and not the soul. In looking at the lawyer-correspondent he is to be regarded as any other person who fills such a position, and, as a whole, if there are men that be willing to do the work for private reasons, it but follows the legal profession has in it men who are willing to make the complement as the most valuable instruments in supplying the mercantile agencies with their article of sale.

There are talkative lawyers who like to discourse on situations, national, or the domestic affairs of those by and near, even though the subject is of such moment at times they prefer to express themselves cloistered from the listening crowd. Of active minds, perhaps they have nothing else to occupy their time; and there are lawyers whose reward for their accomplishments lying fallow is so meager, the meed of material ambition is unrequited unless exigency hits on some outside chance. Forming no part of the trading community, their interests not inducing them to keep abreast of conditions which supposably in nowise are associated with their calling or taste, can it be doubted

they play a strange part, although fluent of opinion in relation thereto as mercantile-agency correspondents? Are they gossips too, with a love for prying into the affairs of others; or do they see an opportunity for advancing self-interest besides from the collection fees, which come like angels' visits? "A tough lot," said one, "to get any good out of, let one hustle as he may, although there are opportunities in the connection."

Whether the claimant gets his money or not, if he is vindictive he succeeds in posting the party without cost or trouble, the corresponding lawyer of a mercantile agency his vicarious but unknown instrument. One of the noblest men that ever lived, a lawyer, politician too in the honorable meaning of the word, said that in his earlier professional life, when he corresponded for a mercantile agency, he treated all he reported well. All the people in his community were friendly towards him, and he had nothing against them. Now and then one would fail, but not because of anything he had said. He was not in position to know their private conduct or affairs; but so far as he knew, with possible exceptions, they were a reliable people, of good character and habits, which pleasurable view he did not undertake to destroy in satisfaction of no interest but that of pruriency. A mercantile agency insisted, however, on his answering its letters of inquiry in terms of flattery as to his valuable information, even after his protests that he was not up to date in the kind of information it seemed to want. But he would never communicate an injurious opinion in fear of running counter to facts he knew nothing about, which he would not have had to happen if every customer of the mercantile agencies were to lose by his reports. From the subordinate position he was in, he realized what injury the mercantile agencies could do, not only to those they reported but those who relied on their reports, if they might not be made the engines of intentional wrongdoing, and so impressed, he severed his connection. And in justice to his impression, it should be remarked, he lived to see a fulfillment of each of these probable events.

No doubt there are many lawyers who correspond for the mercantile agencies under just such circumstances. and have a feeling in the matter just as that good man felt. A colloquy well illustrates what the result may be from the reports of the lawyer-correspondent whose conscience and education deterred him from infringing on the privacy of others; yet from a fatuous desire to be obliging, and out of the goodness of his heart towards his neighbor, he communicated his opinion of him privily, which eventuated in his placing himself in a false light, although it must be admitted he was guilty of having done something which returned on him as he deserved. His neighbor had been making his statements to those who had had a right to ask for them. Said an adjuster of a mercantile house, "How is this, my friend? The - mercantile agency rates you up pretty well, and we thought it would be safe to sell you some goods. Here it is you have failed, and it looks like my house is left considerably in the lurch." "Yes, I bought your goods, intending, of course, to pay the bill dollar for dollar, But here I am by the grace of a poor season, and the demand of a creditor I have been owing longer than he would wait. In fact, most of my capital was borrowed from him. The rating you speak of I am not responsible for; I never made the mercantile agencies a statement of my affairs. If they have reports of me, they got their information from others. Most of the houses I asked credit from wanted my statement, which they got, but your house did not ask for one. I have never concealed the fact that I was doing business on borrowed capital from those who were entitled to know how I was fixed, and asked to know."

No concealment; but there was a difference of opinion as to what he was worth. Might not something be turned up? The mercantile agencies do not disclose the names of correspondents, unless an influential or a big-buying customer break through the rules. The adjuster got the name of this kind-hearted, obliging lawyer-correspondent, who had been repaid with many thanks for his services, nor was he employed to collect any claims against his neighbor, whose failure he had

duly reported. But the adjuster would see him about the difference of opinion, or the question of concealment. He went to the trouble and expense to learn from the "reliable authority" that the debtor was worth more than he would admit, and succeeded in

turning up a very conscientious opinion.

You say such a man should not correspond. is true; none should for the mercantile agencies, especially the conscientious whose opinions return to The opinion-giver who is well-disposed smite them. toward his neighbors may do mischief in many directions by playing the part of secret informer for "the business world;" while those inbred with the sharper notions of prudence, conservatism and disinterestedness for the benefit of the community, as they may call it, or whatever you choose to call it after the sequel develops, are more likely to play havoc unrestrained upon both the customers of the mercantile agency for which they report and their neighbors whom they report. There may be an interest to subserve by inflating the status of a particular neighbor to the injury, it may be, of the customers; it may be of interest to depress the standing of another, not only to his injury, but likely to the loss of the customers of a very desirable patron. As the report has been made, with no interest in the subject-matter, further than the article of sale has been supplied, the want of the mercantile agency has been satisfied. No injury arises in that quarter, the only interest that knows the origin of the report beside the one that supplied it.

But beggars should not be choosers, especially those who get others to supply them with their article of sale without paying for it. The mercantile agencies set up no moral or educational standard for those who correspond for them; as a general thing they are unknown personally, and in no other respect, except possibly through the opinion of some other equally a stranger. For self-protection only, those that have their collection departments, the lawyer-correspondent may have his integrity doubted, as they are required to give bond for their honesty. They are only too glad to get the

opinion of somebody, particularly at those outlying places where the greatest harm can be done to both the customers and those they allege to report. The correspondent is master of the situation; with no regard for his fitness or disposition, he can express whatever opinion he chooses, and although he may be moved by a variety of motives, the mercantile agency has been served. And it would be useless to attempt to measure this motive, since freedom of will, especially when exercised in secret, produces motives which are past finding out. But the more genial of these opinion-givers should be entitled to a hearing in extenuation of what they do on account of a kindly disposition, for it ought to be remembered in their behalf how they are plied for opinions, the requests often couched in terms of entreaty as though a matter of life and death were involved, although the patient may never have been in better health, as he is in ignorance of the stir he is creating among the doctors of Nothing is needed, however, but a lightning diagnosis of the state of his moral health, the symptoms of his pecuniary functions; when the indifferent prescription, "I know nothing to the contrary about the person you inquire about, who seems to be of (a modified or other adjective may be used here) personal and business repute, having some property here," which, stereotyped in the language of a report, as in this case it would doubtless read, the patient "might not abuse a moderate credit conservatively extended," whatever that means, is ample for demanding the fee from the customer who ordered the formula. As the correspondent sees the person going about as usual with no adhesive creditor in his train, it is reasonable to suppose the state of his general condition continues as usual; and as he exercises control over property, surely he must be all right and solid. This diagnosis is of course thoroughly empirical-hit or miss, producing cause for results which swell the business failures, and as throttling to business endeavor, thus entailing a growing strain upon the resources of the country, making credit, the necessity of civilized communities, the assassin or ghoul of rational commerce.

In relation to business responsibility in others, it can hardly fall in the way of lawyers to be students of habits and character; and as for capacity from a commercial point of view, they have no standard to go by unless it be that comparison of success when a very worthy man might be measured by a very unworthy one, who is successful by methods no honest man would applaud. Men they report as having so much property, or so much as shown by the records, so far as they know might be under a load of debt; those reported with little or none, might have property elsewhere, or possibly in values of that kind which may be kept invisible. Hence the outward show or hearsay, which is depended on in giving off-hand opinion, may be the most misleading; and certainly they are not in position to know the indebtedness of those who at various times are subjects of their reports, unless of public record, or the knowledge was acquired in professional confidence. view has reference to those honorable men who intend to maintain the dignity and true purpose of their profession, but who indulge in these opinions for reasons, which in their contemplative moments must certainly strike them with strange effect. But, if the material of the reports is obtained by filching and spying, another sort of man and lawyer may be considered; and what is so filched, divulged, or spied out, can never be satisfactory, since the suggestion must always be uppermost, if by surreptition all the guiding facts have really been found out. And all unaware to the subject. because he asks for credit or may be asked to buy on credit, is it not a fact that surreptitious investigation must assume that phase which militates against him, as detection implies a wrongful act or intent on the part of those who are shadowed? Detection is on the outlook for and reports the bad side; this is instinctive of the employment. It has nothing to do with the goodness of man, but with his wickedness; and it has its own code for judging his wickedness or responsibility.

The opinion of the lawyer, as such, when fairly given is founded at least on relative knowledge; hearsay is matter for speculation; his opinion of personal and

pecuniary standing, as the correspondent of a mercantile agency, may be founded entirely on hearsay; or he must turn detective, which means he is on the watch only for the bad features in connection with the standing of his neighbors, which makes of him a secret inquisitor. The mercantile agency reports, to the extent of their use and influence, operate as judgments; and knowing how hearsay is treated in arriving at judicial judgment or sentence, the lawyer who reports hearsay on which judgment is to be founded of character and responsibility, does an act which is inimical to the first principle of his profession. Besides, the principle has been won by the force of the highest law, that before judgment is given against one he is entitled to be heard. Lawyers are not in the habit of running down hearsay, diverse, and cumulative as it passes from mouth to mouth, to lay hold of a clew in which they have no particular interest; and yet, from this variable hotchpotch, they, too, often hand over opinion to the mercantile agencies on which judgment is founded, when the person of first interest, with his all involved, and in possession of the facts, has no voice in the proceedings. No, he is not permitted to know he is on trial even. There are none who see the distinction clearer than the lawyer, that while he has the right, and in duty ought to answer such confidential inquiries, as he is able to do reliably, when asked by the one who has a lawful interest involved with the standing of his neighbor, his aiding the mercantile agencies in their traffic is in direct opposition to his professional and social obligations. He is a constituent of the social state, commerce no less ministers to him, does he prefer its perversion to its righteousness. He knows that he makes no studied knowledge of this kind of information; from his professional and moral intelligence he knows that traffic in these inquiries and opinions, he nor his mercantile agency having a lawful interest involved, is in contravention of every instinct which elevates men.

For obvious reasons the mercantile agencies do not take the initiative in severing their lawyer-correspondent connections, unless they hold the whip-hand, as in the instances, like some of the people they tell about, there are lawyers, too, who are not prompt in settlement, if the black-list of certain collection agencies is to be believed. And at this juncture, it is pertinent to advert to the fidelity bond required of those who fill positions in private employment. With those who reach out on a large scale, confidence is increased in the employer, stronger in his bond than in the fidelity of his employé who gives it. This is producing a startling effect, as in filling these positions the tendency is to put a necessary class of people in a state of bondage; and hence arises another system of espionage, to watch and report to the assurers those who are forced to pay for a bond on their honesty. Is the law of the land yet insufficient, with its punishment and example? is there a decadence of belief in integrity? is the example a growth for wrong-doing, while the individual may be made to feel that his responsibility has been assumed by others, who make it a speculation, he paying the premium on the doubtfulness of his honesty? or is the bond preferable, so the assured is saved harmless, whatever the acts and teaching this bonding induces that morals may suffer? Yet bonding may be a shrewd stroke of business after all, for the cunning and unprincipled may be the most acceptable in their practices on others, which the employer protects himself against. Among others, the mercantile agencies put their lawyers under bond, not as correspondents, for in this respect the freest action is intended, as such acts only affect others, but as collectors of money the acts of their bonded correspondents affect them; and it has been suggested that as they understand character and responsibility so well, others who employ their lawyers should require the same protection.

Yet the retention of the lawyer-correspondent is desirable; his feelings must not be hurt. Persons sometimes seek redress from the mercantile agencies, which, however, is often hard to secure by reason of the skill of these gentlemen of the bar; while in those courts where specially protected libelers and blackmailers

are privileged, redress may never be had. If justice is invincible—in theory, whether she will be whipped in the arena of practical contest, the wager on the winner is often contingent on his pecuniary strength. With the elasticity of principle to stand on, and by winding her about in her blindness with strategic elusion, she has been sadly left undone amid the clutter of legal

victory over her.

But while they are at work secretly in circulating their opinions of the character and pecuniary responsibility of others, they should not object to having their purpose called into question, since, including their own sensation, they must own the work of the secret informer is generally regarded the most repugnant to human nature. Perhaps why others are so impressed with what they do in this respect is because they are oftenest heard from in virtue of their public character, for lawyers are tempestuous in denouncing closed-door proceedings-perhaps when the bolt is turned on the one that makes the outcry; but when his opportunity comes round, if he does in secret what he proclaims against in public, his hypocrisy should become matter of serious concern, especially when the public realizes his secrecy has a bearing on the personal and material rights of every citizen. Lawyers are not excluded from selfish desire; they have prejudices as well as kindly feeling; they may be malevolent or avaricious; they have reasons for using opportunity for oppression or commendation; there are lawyers that act as though they felt they were privileged in going a little further than ordinary mortals without being punished. The love of money and prejudice; two strongholds in human nature.

The lawyer who desires to preserve the respect and confidence of his community engages in no employment he would conceal from open daylight; this is the philosophical injunction of a calling which has so many noble ambitions clustering around it. Such is the popular notion; and when he rebels against that rule of conduct, by following which he is entitled to the respect and confidence of those he lives among, the result is inevitable, as by provoking this disappointment

in him he forfeits the claim to those recognitions which his profession has conferred upon his personality; or, he may choose to descend so low in his practices as to earn the suspicion, or even the antipathy, of his neighbors. Hence, the opprobrium of pettifogger and shyster finds its relativity in objects not at all inappropri-And there are many who realize this without disquiet. With conscience encased in the hard selfishness of moral obliquity, which may not be reached by any sentiment of professional or social duty, he is a menace to mankind in whatever relation he assumes towards society. And what could be more subversive of social rights than this work done clandestinely. while claiming the prestige of their profession, although, as it is declared, others are intended to be benefited by such action besides the mercantile agencies, but whom they could not name under the term of "business world," which they know to be an abstraction and an artifice. Making these reports, corroborating financial statements, used as the thumb-screws of the mercantile agencies, is no part of their profession. Do they engage in the work for the purpose of buying employment, or for what? They are no less liable to indulge in the grossest extravagance of opinion in these matters than the other kind of correspondents; and when prejudice, friendship or self-interest may be served, they are no less susceptible to the temptation of using the secret occasion. It should be no surprise that when a business disturbance takes place in his community, the lawyer correspondent has been employed to represent some local interest; nor should there be astonishment at those failures, in which the parties were well rated, on learning that he, who had given the opinion which influenced the rating, had become the counselor or assignee of the bankrupt. So, it is not beyond the range of this temptation that of those who are reported year after year adversely, coming after awhile to a realization that assuredly some secret power is warring against them, while rivals and competitors of no better personal or pecuniary standing are urged by commercial travelers, who are sent out to take orders only,

with mercantile agency reference books for their guide. With a turn for business, which has its manifestation in the idea of money supremacy, it may become obvious how valuable this connection is to those lawyer correspondents as well, who, in responding to the doctine that money is paramount, place duty to self before very other consideration. The lesson is taught, but it is soon discovered the collection fees make slow pace towards the goal, and not knowing, and having no interest in the business world that makes the inquiry through the medium of his mercantile agency, which stands towards him in the same relation, it is difficult to suppose he would put upon himself an odium unless

he had in view some plan of reward.

Overspreading the country as these organizations have grown to be, whose active work is felt but now more understood, yet invisible in their operations to those they most seriously affect; irresponsible, and a law unto themselves, in daylight and darkness with covered hands outstretched, while its myriad eyes pry into the walks of every private industrial life. The chief conspirators, giving the hands support and eyes vision, are the correspondents. Like the monster with energy exercised only to satisfy appetite, its pursuit is in reckless indifference to the rights of others, fearing no danger so long as its habit of stealth is maintained. Pretending to collect information of the standing of men for the benefit of a business world which it creates, and before which these men are intended to stand or fall by the reputation given them, while it has no intorest to subserve in the true business world, only to vend the most extraordinary commodity the world of civilized law has yet seen manufactured; and having no interest or reciprocal relation with the persons whose names and attributes are collected, assorted, and arbitrarily branded, further than to convert these into a commodity, no human insight may penetrate the complex motives which enter the detailed work of this powerful and ceaseless engine for oppression and wrongdoing, aided by a people whose profession makes of society a government of law, but, from whatever motive

influenced, who yet earn the suspicion and vengeance of their neighbors. Is there reason why the citizen should not marvel, and exclaim, "My country, 'tis of Thee!"

CHAPTER XVII.

NEVERTHELESS and necessarily, from the bigness of their pretension, a vast sum of money goes into the operations of the mercantile agencies. The postage of the two leading ones runs, no doubt, considerably up in six figures in dollars each year. The telegraph tolls stand for another large outlay, but hardly so large as one might imagine, since the expense of their communications is imposed as much as possible on the postoffice, for generally the telegraphic communications are sent out after the fact of the customers having granted credit. The salaries and wages paid have been noticed, when the next outlay is the office equipment, the typewriters and desks being the most valuable, while, of course, each office must have a large supply of stationery, as most of the work is done by letter. A few of the branch offices have their printing outfits, the central ones having a considerable investment for the printing of the books and other matter. Defending lawsuits makes a considerable inroad on their profits. Apart from the expenditure on their publications, which no doubt is quite large, these embrace the main items of outlay, practically the whole, as the lawyer-correspondent is supposed to be compensated with collection fees. which, by the way, many share with their mercantile agency, while, with rare exceptions, the other correspondents, who make the largest number by far, are repaid in thanks.

But, in return, the enormous profit should satisfy the most predaceous. Legitimate enterprise is satisfied with a reasonable reward, while with monopolies, dealers in spurious articles, and sharpers, profit is never stationary or satisfactory, but continually the limit is being raised at the expense of labor or consumption.

by lowering the wage of one or increasing price to the other, when, like the gambler who believes in working his game while he has it in hand, the margin of profit is only a question as to the extent others may be induced to make contributions. As the consumption of the mercantile agencies' commodity is confined to a narrow business world which can get along without it so far as it is claimed to be a necessity, as many of them realize it to be a costly luxury, they are unable to manipulate profit so much on immediate consumption after having reached a maximum, as they can regulate the compensation of those who collect and prepare their commodity, although, in any event, ultimate consumption pays for the whole. Of those who are willing to devote their time and talent, or any part thereof, to such work, the mercantile agencies are able to monopolize this class of labor, paying what compensation they choose for its produce. Putting aside the favorites, some of whom are undoubtedly well paid in salary and perquisites, but taking the rank and file of the great army of emissaries in this service, on an average it is believed to be the poorest paid army known, unless it be considered that many enlist their services with an appreciation of the opportunity for the exercise of their own wits. In some respects the term "army," borrowed from the mercantile agencies, is not inappropriate, for, although under leaders, it is an aggregation whose conquests are entirely predatory, waging an unarmed warfare, it is true, but deadlier to the civic state, since, in the meaning of judicial language, it is an organization of espionage and inquisition, for the purpose of subjecting one part of the community to the use and benefit of another, which, although its purpose, the subjection is known also to be against the cardinal principle of economic right, that an advantage given to one interest or branch of trade over another is injurious to the public. It is an army in the interest of monopoly that wages a combat against society in the interest of its leaders; an organization of sappers that produce nothing for the general good, but whose work is productive of the most far-reaching results in public and

private injury. This is self-evident of social life; and the moralist may form his conclusion as to the effect on a people of a predatory army of spies, capturing and trafficking in men's names and reputation, underpaid and amenable to no discipline, exploiting society for the object which is contained in the lesson of selfish-

ness and the supremacy of concentrated wealth.

With regard to the profits, however, of the leaders, it is much more credible to believe the testimony of one under the sanction of law, who had every opportunity for knowing, when his reputation and liberty were in jeopardy, than the denial of his testimony, when such denial would have the tendency of diverting the public mind from the methods of the mercantile agencies, or, that in yielding such an unreasonable profit, their customers might be roused to a sense of wrong. The Bradstreet Company is an incorporation of \$500,000 authorized capital;* in their pleadings, R G. Dun & Co. claim to be a firm, the senior alleged to be the sole owner of the business, his two partners receiving a percentage of the profits. The annual net profits of the two are believed to be about the same, and it is in evidence before the world that R. G. Dun & Co.'s were \$525,000 for 1892, which were bounding upward to that year, the year of the testimony. At the same time it was disclosed in a partial manner that this great sum of money was possible by procuring the services of others at little or no cost, which, as the two disclosures produced a sensation, met also with a denial, and very rightly from one point of view. And this is not the time of Voltaire, who complained that army contractors made fortunes in a day by dealing in spoilt provisions and false accounts, while deserving men labored by brain and muscle with empty stomachs.

Now it is quite clear, if a commodity can be devised, and there is a sufficient demand for it, to the extent of its production at the least cost, that much greater must be the profit. The mercantile agencies claim to be a necessity to a business world; they certainly have a number of customers; there is no denying that

^{*}Surplus, \$1,000,000.

they have the services of a large body of men; it is for the customers to say how much they pay for the commodity, and its quality, and for the producers to say what they get for their services. As their millions of reports, in publications and on their shelves, have no market value except to themselves beyond the worth of waste paper, the actual and convertible investment of these two mercantile agencies jointly, say they have two hundred and seventy offices in this and the foreign countries, it is thought \$500,000 would be a liberal estimate. As a general thing, where one is located there will be found the other, so their investments are likely to be about the same. Thus, in accordance with the testimony mentioned, they realize a generous profit of 210 per cent. But, indeed, have they any fixed capital at all; and is there any whatever in the ordinary meaning after the business is launched, when the items here considered, leaving out perhaps the printing outfits, are merely current expenses, which, like salaries, typewriters, postage, telegraph, etc., are taken out of the incoming revenue before the net profit is ascertained? The original investment has been worn out by usage long ago, although in strictness their capital investment is the reports they operate on, which, however, as stated, have no realizable value in open market of the utilities. If their stocks of reports were put under the hammer, the junk-dealers would be the only bidders. Yet, after all, the true capitalistic value is the public monopoly which they have seized without the investment of a dollar; the outlay for promoting the seizure, that which was the original investment, being charged to expense, has of course been covered long ago, as they make so much money. Hence, a statement of the work is one of annual receipts and expenditures, with a balance of \$525,-000 to be passed into the pockets of the shareholders of one, the same amount to the partners of the others. If the whole of the Bradstreet shares are outstanding, the difference in the percentage of dividend is in the premium of the shares, which are said to be gilt-edged, "way out of sight."

It has been observed that the character of business

the mercantile agencies are engaged in is peculiarly a latent function of state, residing in the tyranny of the sovereignty of the people, and were the state rash enough to develop it into activity, the business would be a public monopoly. But suppose, an almost inconceivable thing, that the state had put into execution a department of this kind under the pretext the people would be benefited, like the postoffice, which is a public monopoly, and a seizure were made of it by a power that turned it into a private monopoly, we can easily imagine the consequence even though the administration of the law winked at the outrage. The post. office is a public necessity; the work of the mercantile agencies is not. Now suppose one had the adroitness to seize the postoffice, which is without capitalization, but run on the plan of receipts and expenses, by increasing its cost to the public and reducing the wages of the employés who keep it up, a very large profit would undoubtedly be the result. But inasmuch as the other is not a necessity, those buying what is produced through it for reasons of their own, the great profit must be made out of those that produce the article which is sold. The cost of both is entirely on the public, and herein, so far as the public is concerned, the essential question of necessity arises. The postoffice is a blessing and a benefit to all; who is blessed or benefited by the work of the mercantile agencies?

More than any other influence, commerce makes man a social being; or rather, without commerce there would be but little influence for drawing men together, apart from the local influences; and notwithstanding the doctrine that individuals should make of it the means for selfish supremacy, it broadens the sentiments and quickens the desire for elevated action. Selfishness is not commerce. What the state is, the citizen is. To put a price on his private reputation is a pure despotism, thus raising a revenue the most demoralizing the mind could invent. But the mercantile agencies go even further, for in raising their revenue, it is not claimed for them that they benefit more than one part of the community, in fact, some half a hundred thousand in a nation of

seventy millions. To consider further their monopolistic feature, in that they have seized a function of state, but which no state would call into play unless it were a tyranny, the distinction should be clearly laid hold of which separates them from that trading or commerce in which the feature of espionage does not enter, although confidential opinion of others is afforded. Furthermore, legitimate traffic presupposes that some value is offered, wanted by the public, but not injurious to it either in respect to its use, or that such traffic is not to the disadvantage of one part of it in the interest of any other part. The commodity is acquired in a lawful manner. But here the public is exploited in secret, without the asking, and although those who do the reaping from the public field in supplying the raw material to the trafficking beneficiaries may do so without compensation, yet they are amenable to the law for the trespass they commit. We thus find the people—the field—are made to yield the commodity without reward or consent; they are made to pay the cost and profit of its collection and distribution as well. Hence, why should not they be the proprietors of the business were such a traffic necessary, being produced from them, the expense in all its phases met by them, all interested in its utility were it an economic necessity, inhering as it does so peculiarly in the public? But as it has been made the object of outrageous seizure, exploiting for private gain the domestic relations of the people, who pay for its administration to the last dollar, since the customers add its cost to what the people consume, it is of interest to look deeper into this expense put upon the people, in order to make some comparisons.

It is a strange retribution that man should be spied upon and reported without his knowledge, and then be made to pay the cost and profit of the business. Take a wide margin, and in reality the estimates are thought to be below the true figures; say the receipts of Bradstreet and R. G. Dun & Co. are between six and eight millions; thus, with the numerous minor mercantile agencies, the gross revenue of these organizations must

approximate ten millions of dollars. What does this prodigious sum of money represent? An indirect tax it is of ten per centum on 100 millions of what the people consume; and estimating the wealth of the nation at seventy billions, the tax amounts to one per centum of one-seventh of the country's entire resources. In other words, it equals an annual capitation tax of over fourteen cents on each man, woman and child of our population—forced from them to meet the expense and profit of being spied upon in the interest of a class. And are the customers justified in fostering this tax upon the people? If selfishness is the hard drive, and supremacy the object, it is not what they make by it,

but what they lose.

Their losses may be characterized as of commission and omission, the former reckoned as to what they lose by giving credit on the reports of the mercantile agencies, the other what is lost by refusing credit to deserving men on the faith of these reports. And to cap the climax, there are customers, who, while they allow themselves to be governed by their mercantile agency ratings, yet undeceive themselves by an insurance against their very fallible guides. These credit insurance companies fix the amount and premium of their policies in correspondence to the fluxion in the ratings. Then it will be perceived, that besides the losses by commission, these premiums make another tax on the resources of the country, being an offshoot from the mercantile agencies, as the former loss is directly caused by them. This burden upon the public is another estimate best computed by the customers, who make it possible; but it is quite certain that if any business world were to trust to a more reliable system of credit information, the annual failures would not run up to such a stupendous drain upon that portion of the wealth and productive energy of the country which is distributed, but which would be brought under the forces of concentration; and that other tax, the insurance of credits, based on mercantile-agency ratings, would quietly pass into oblivion.

Nothing is more promotive of speculation on credit

than this species of insurance, unlike fire and life insurance, which, although charges on the public, are among the benefits of civilization, since in return they benefit the public. But with the mercantile-agency ratings, the man who fails in business, while the subject of the insurance, the true beneficial interest, which is paid ultimately by the public, goes the other way into private pockets. A big thing, truly, are the devices

for turning the public into a commodity.

All in one, it is reasonable to suppose the net profit of the mercantile agencies foot up some fifteen hundred thousand dollars. If they must be supported as the pretentious suzerains of the credit, character and fortunes of the people, would it not be wise to induce them to lay aside the expense of their bureau, and let the people pay them a net tribute of one per centum on 150 millions of what they consume, but to permit themselves to be caught never again by another such vested or consuetudinary claim? Not only would the loss to the country by failures be diminished, but in doing this the people would be rid of the most odious feature, the constant spying on them of what they are in person, and what doing in the lawful pursuits of private life. Of the direct saving in money, there is the eight and a half millions the people are taxed in maintenance of the bureau; while the diminution in failures, by reason of an independent and more selfreliant system of credit information, destructive, however, of speculation on adventitious symbols, which place the legitimate credit dispenser who is satisfied with fair profit at a disadvantage, the saving to the people is incalculable, because the losses which are brought about by following the mercantile agencies cannot be estimated.

Indeed, some of these organizations of lesser notoriety are understood to clear profits in greater proportion even than the larger ones. They have fewer offices, fewer wage employés, which is the explanation, but it is hardly to be believed that they have brought the work of collecting their commodity up to a more productive or cheaper art. To the extent of their failure

in securing so-called correspondents to do for them, they fail in doing for their customers; but in this respect the larger ones are placed in the same situation, as when they have no office with its opinion-gathering attaché in a particular locality. With all, the genius of the work is to fetch the correspondent up to the highest point of productiveness at the least outlay, while expense is guarded against as its most insidious foe.

Keeping an eye on the expense account, and lopping off unnecessary outlay, is certainly a prerequisite to the success of legitimate business, but it is not an objective of legitimate business to reduce its most efficient aids to the point of non-compensation, unless it be those employments which have the semi-attributes of the mercantile agencies, monopolistic in character, but dealing in a lawful commodity. In any business, it is assumed, that in proportion to the cost to the customer, the interest of the customer is intended to be subserved, and certainly the main expense which is attached to the mercantile agencies is the work of gathering and putting in vendible form what the customer agrees to buy. But, as seen, profit the object, monopolistic in the field of its production, the customer agreeing to be satisfied with what he gets, the work may be that much more of an imposition on the producers; and niggardliness the practice, those who buy the produce may estimate its value with closed lips; when, inasmuch as in a work which should denote the care and intelligence of fairly paid labor, the absence of just reward must be in evidence as the customer finds the value of his purchase stamped by a service ignorantly or indifferently performed. And the distinction is marked in their publications, which are neat and sightly, but the mechanism is wrought by an organization which is in position to demand fair pay. The customer on paying the first cost of his article, along with the profit, cannot be slow in making the discovery the price is largely in profit. But this need not disturb his composure, if he is reckless of his duty to that intangible something, the public, for whatever he pays

to the mercantile agencies he gets back from the public, with a profit thereon, as it becomes a contained part of the cost of what he has to sell. And it requires only a moment's thought, conjointly with an examination of his purchase, which bears the internal stamp of its value, for him to be disenchanted from the hoodwinking of rapacity, if the unpaid hands which supply the material in its unfinished state do go on, under the delusion, let it be said, and persuasion, that they are doing a glorious service for a business world. But the customer may prefer to hoodwink his own customers; he may have an overpowering sense of admiration for the leading profit-winners; it acts on him as a stimulus, a kind of narcotic which transports him to a dreamland of what he would like to do himself. He does not care; nothing is out of his pocket.

Those customers that pay a single mercantile agency, and generally they patronize the two larger ones, thousands of dollars, three, four, five thousand dollars each, are not making donations out of their own means, however possessed they may be with this kind of liberality. Then do they cultivate a more charitable regard for the mercantile agencies than they have for law, fair play, or humanity, without incurring the risk of a troubled conscience? "The public be damped!" This is the age of selfishness. Every man do as he please! Well, this is about what is done—if possessed of the great desid-

eratum of supremacy

And yet, many of these very customers must be satisfied with a reasonable profit on what they sell; alert and adopting the best measures for the advancement of their commodity, they find it necessary to have their credit departments, and conducted on the lines which trade development points out, as they know they would be led wide of the mark were they to rely on the arbitrary signs and marks bought from the mercantile agencies; and they are the most amused of all others at the horoscopes in the public prints of the business situation cast by these soothsayers, on the opinion of others, to be sure, and who know or have truly as much te do with business in its grand summary as those who

search for Prester John. In these advertisements, in the selection of the vein of opinion to be exploited, it may be seen how they can boom or depress the true business situation. The specialists at speculating on some resource of the country, bulling or bearing the price, have been styled not inaptly metropolitan fakirs, while alongside their cards of information, furtively reminding the reader he can be served, there is generally a cosmorama of the national business situation, fresh from the master hands, though discrepant and each one a crux of itself; but whose opinion they body forth, it is the virtue of credulity not to ask. What strange influences make men stand together! There is none more strong than the desire to imitate; and with many the factitious is preferred if it but gives them the greater prominence. What a standard writer says about America's metropolis, that "money at command, or an easy way of getting it, makes the weighty and influential citizen," may now be said to have been extended to other places of metropolitan aspirations, but why not the greatest of all be the pattern?

With respect to what has been said of the customers and opinion-givers joining together to build up the profits of the mercantile agencies, thus putting upon the people the shame and expense of a secret inquisition, it seems to be a matter of emulation with customers which is extending to the aspiring centers; yet one is curious to know how the outlying imitators are benefited when they furnish the materials for the pattern they would Take the example of the hundreds of smaller cities throughout the country. Ambitious, having their factories, jobbing establishments, and banking facilities; in the midst of and informed daily, through private means, of business conditions; yet in contravention of every law of material development which prescribes that communities to be independent must grow up from their own resources, they support a system for deflecting their substance. And the more it is deflected that much more must they be submissive as debtors. There is much in the argument that as a debtor nation we should wait on the nation which is our creditor; hence

dispensers of credit residing at the cities of import writing to their debtors over the country, and a "statesman-priest" but recently from these cities, whither his sojourn was long enough "to catch the true business idea," advising that it is folly for the debtor to attempt to make an economic change until the creditor gives the cue. The customers in these smaller places can certainly find no benefit from the work, covering their trade territory as they do every few days by a better intelligence with a oneness of purpose. And the bank-customer and correspondent should not think it strange when the money in his community is drawn to other places, which the people have to pay for to get back. There are few communities in the provincial demesnes, so to speak, that do not discount the market value of what surplus they produce. But they are debtors, building up other communities.

If getting rich on the gratuity of others is the genius of business, not one of these organizations should claim precedence over the other in developing the royal road to success. And when it is considered what service they have done for them by widely separate units, called correspondents, they are preëminent in equal position at gaining the mastery over a class of people who are regarded as shrewd and assertive, for were some one else to ask of them the same service on the same terms, he would no doubt get justly for his pains the assurance that labor claimed its reward in this country. The cognate of this sort of wrong and imposition seems to be the mysterious influence for making more effective the results of profit. And if ever there was a just cause for a general strike for fair pay, it belongs to this class of workers; yet, while under the spell of a potent influence, knowingly in an employment which is repugnant to the rights of society, as it is lowering to the dignity of mind and muscle, it is patent some stronger influence has become necessary to release them from their bonds.

Do they feel their own standing will not be so good at the places of credit if they do not give free service to the mercantile agencies, or what is the mysterious influence that acts upon them?

mercantile agencies have much larger purisdictions as they are called by ourts of inquest and judgment, attached the special offices, some of them exercising a to aver perhaps a half-dozen states. With mge reporters, their chief work is to soof correspondents, who, displaying a in this wanth In this way they are less obtrusively these which have their offices stationed the states, whose local and traveling But the smaller But the smaller ones do not go in for and unnecessary show, so long as correbe had. Stationed on the bank of the may be, with the aid of the postoffice, enstomer in Maine may have their finding in California, after the local correspondaknown to either, as is the chance, sends in bis inquisition for the benefit of the origifuture inquirers, until the finding grows when the process is repeated if and reputation be quick among the customers. the ding all these high courts, kept so busy at adon live men's character and estates, what ome of them without the aid of the postoffice, just as busy in collecting their opinions for and in distributing their judgments? As it has no South Dakota, it was no doubt this boon of and facility which had much to do with the that the prerogative of its administration ntention that the all interstate commerce act, on line with contention that the elastic principle of every law so stretched as to shelter them against the of expense as from the storms of outraged couth Dakota, speaking through her highest and not yet prepared to accept the assurance that and constitutions should so expand in order that making demands of espionage may be cloaked contitutional and legal right, although the postaught continue an effectual aid in shielding and

facilitating the work through the secret correspondents. Moreover, the mercantile agencies which are less in evidence before the public, are not inclined to set up offices in the states that impose a tax on the work which pretends to inform their business world of the credit and responsibility of the citizen, purely as a traffic. These taxing enactments are practically alike in language, the amount imposed ranging in various sums. But by locating in a non-taxing state, and using the secret correspondent through the postoffice, how many pay this tax? Since citizens are willing to be confederates in baffling the laws of their state, the state may expect evasion in other respects in enforcing the collection of its dues. And these correspondents are fully apprised that they fall within the provisions of such statutes, but trusting to the safety of tactful secrecy they prefer to go on, in serving whatever object they have in view, than in cultivating an obedient regard for what society expects from the law-abiding citizen. How many lawyers supply these foreign or outside mercantile agencies with their commodity, and other very reputable citizens, who know they are defeating their state in a revenue, in the determination to abet an unlawful mongering in the reputation of their neighbors through their secret reporting! How many good citizens do the work, who preach respect for and a faithful execution of the laws! What paltry pay they get for practicing the hypocrisy, unless the opportunity to serve a sinister purpose is good enough!

As stated, it is believed no employment in the country pays so little wage as the mercantile agencies, by which is meant that class of help known as clerical, and corresponding to those positions which are necessary in the conduct of lawful occupations. There are some places, it is true, paying good salaries, but they are for the favorites, on the assumption they have adaptations which make them peculiarly serviceable, a few of whom in charge of the larger branch offices are understood to have a good thing of it to the extent of five thousand dollars on to four times as much, in salary and perquisites. The perquisites, that compensation which is so

hard to define in any employment, may in part refer to what is smartly, or without conscience those affected may think, taken from the wage of co-employes. But ordinarily, these superintendents and managers, as they are called, of the branch jurisdictions, are not paid nearly so well. They do well to get \$1,200; and when they go above that mark, the feeling is justified that surely they have in them the right stuff which is in the

course of recognition.

The position of the mercantile-agency reporter more nearly resembles that of the newspaper reporter, without any reflection on the latter; but he is not paid so well, and certainly he does not deserve to be, if intelligence, continued and useful service, make components that merit reward. The newspaper reporter's work is an open book, and he feels his responsibility; while on the other hand, the mercantile-agency reporter, generally young and inexperienced, hence cheaper, if he be ambitious and does not fall by the way, must regard his place as the best stone he could provide for stepping to other employment; or, if old, the boundary of his capacity has been reached. But a mere stripling, who was doing this work, seriously apprehended that he had made a mistake, because, as he said, his kind of work made one unpopular. Naturally it is narrow and mechanical; and instead of broadening the business faculties, cunning and suspicion grow from the habits of the work; and on trying to get a place in regular business he found that the traits, which the customers of the mercantile agencies are supposed to appreciate. made against him when he applied to them for a position. The corresponding clerks that fold the printed forms and direct them to the correspondents, or the blanks to those who are written to for statements, the compilers of the "corroborated" statements and the opinions of correspondents, usually youths and young women, are paid much less, while the copyists and other help, mainly boys and girls, many of them novices just entering the life-struggle, do well if they get enough to keep body and soul together. And these are the persons who are selected to regulate the credit of great

communities, telling "the business world" who have or have not the necessary character, capacity and pecuniary standing to merit its confidence, so they may be treated accordingly; and affixing to men's names symbols of credit and amount of money worth, which imply as much reliability as may be implied in the arbitrary

work of such intelligence or interest.

The question is often asked, "Why is it that those who fill the higher stations, the functionary in charge of an office and his reporter, make of themselves such officious intruders and directive meddlers in other people's affairs?" "Why, sir," said a questioner, "one of these persons comes among us at intervals, hailing from some other latitude or hemisphere, so far as we know, when immediately he goes to work on our personal and business history, instructing us at the same time what we should or should not do, which impresses one as though his talk was authoritative." This observation may sound like provincialism, but such conduct may be objected to with equal astonishment by noncustomers at the great centers. And it is entirely in consonance with the spirit of spying and detection, an adumbrant of what the work would be, were it truly authorized; although no doubt there are a great many employés of the private systems who really believe they are acting under a high authority. The work molds the brain, and the conduct this observer complained of proceeds from the same training when another said he liked a certain one of these men pretty well, but he had the habit of spying so fixed in him that whenever he was about, if he had writing on his desk or other matter in view which he did not want pried into, he was prompted to put such things out of sight. Selfimportant, the consciousness of which is the feeling of identity with a work that undoubtedly exercises a power, there is no occupation more fecund in breeding priggery and disregard of others; and while a writer of social topics is deploring the devolution of the wellbred Britons into cads, he might look around him in his own country to find the most obnoxious of specimens whose countenances and conduct are formed as if on purpose for the most declared manifestation of what he complains, native as well as foreign, and for some of the schools of training he would not have far to seek.

And yet there are customers of the mercantile agencies that expect their purchases to bear the impress of reliability. How they are deluded! The dexterous manner in which the drummer argues for his reports does not compensate for their inherent inadequacy. For though every dollar paid by them were expended in bringing the work up to promise or expectation, and the services of the producers more liberally rewarded, the insurmountable is still ahead, and will always be so, for founded in a scheme which is opposed to the moral sense, it can never reach the plane of practical trustworthiness. As a bureau, without disguise, for the detection and report of swindlers and sharpers, it might be of some value, if the swindlers and sharpers did not turn it into an instrument for their own promotion and protection. Is self-interest too politic. or the law inadequate, for proclaiming and stigmatizing this class of people? But as the great body of the American people do not fall within this class, and as truly endued with an honesty still pregnant with opposition to an unnatural interference with their private rights, the spirit of rebellion yet lingers against that agency whose wealth and influence is acquired by trafficking in their reputation for the benefit of any interest.

Worthless as a vehicle of credit, unless the truth is told of all the mercantile agencies assume to report; but, from the nature of the work, even were the truth told the element of doubt is intrinsic, since the opinion-giver or witness is unnamed and unknown when the mind reverts to his credibility, while the vendor of what he says does not vouch for his veracity. The sentient and affected material which is made the warp of the fabric is the last to be believed so far as the mercantile agencies go in making trustworthy their commodity, for, as has been shown, even of those who make statements to them, reports founded on these are not complete until they have been criticised by outsid-

ers, whose own standing is as little known about in all likelihood. But in acts of spoliation, the rights of ownership are not considered; and if the customer has any doubt as to the title or truth of what he buys, it is strange he should deceive himself by his own act in allowing himself to be impelled by blind faith as to the reliability of his purchase bought with the distinct understanding that no recourse is to be had on the vendor.

For those who speculate on these reports, even though they be proficient in the science of probability, what degree of credence do they count on for an approximation of their correctness? Apart from favor, prejudice, or self-interest, admitting the opinions on which they are founded, nine times in ten, which is considered the proper ratio in this science as between truth and falsehood, are expressions of truthful belief, still there remains the factor of knowledge, which is the most important, in estimating a fair solution of the chances. But the synthesis does not end here at striking an average, for since those who express these opinions are unknown, as well as the surrounding circumstances, the speculator is yet at sea for a starting place. begin where the chances are even, admitting the mercantile agencies do all they can to make their reports trustworthy, although they would relieve themselves from responsibility in this important particular, which raises a serious element on the side of doubt-this chance being the best that one should concede, as against the promise or effort of the mercantile agencies -he will find there are too many adverse factors against him still before an estimate is possible of what the odds are in his disfavor. But this only argues that the science of probability cannot be used in arriving at the speculative value of the work, since the requisite data are not at hand, not even with the mercantile agencies, which conceal their sources of information, as also they do not know themselves the standing of the parties who have expressed their opinions to them, nor other circumstances, not even the local trade conditions, which they do not pretend to report in respect to the

particular subject. Judging from their ratings, it may be they do a little speculating themselves, by striking an average on the idea that only so many in the hundred can be depended on for certain, a loose and undemonstrated plan for the purpose of credit, which, were it followed, there would be no such thing as credit to the ninety odd per cent, except as a game at hazard, with no conception of the adverse odds. Such must be the result, since those to be depended on must be by arbitrary selection until they are passed into the celestial abode of infinite wealth, which then debars all tinkering at symbolizing reputation. The view is but poor offering to those who are in request of something more substantial, since the treatment of credit must be more positive in knowledge than problematical, in meeting the demands of business judgment. But those who speculate on these reports may be like the mercantile agency reporter who said intuition had much to do with the process of how he arrived at a man's personal and pecuniary standing. Intuition is instantaneous. Those urgent requests for immediate reports may convey the suggestion that intuitional facts would be sufficient. So, in selling their reports, they are unable to say what fact of probability is represented, unless to say they probably represent truth, while the customer of experience and prudence might say they probably do not.

And aside from the illicit traffic and the quality of the article, the tricks of trade may play an important part. There is an art in polishing up an article so that some fancy of the buyer may be satisfied, if his practical sense be in doubt. When the good ship Desire dropped down from her mooring* and stood out for the Slave Coast, loaded with rum and committed to the God of humanity for her profitable voyage, her owner went to an unnecessary expense and danger of losing his profit in buffeting the tempests of old ocean, when he could have opened up a similar trade at home by trafficking in the names and reputation of his country-

Marblehead, Mass. The first American-built ship for the slave trade.

men without the cost of even so many gallons of fifteencent rum per human. The tricks of his trade would have been less expensive also; the profits larger, as the home article does not die in the middle passage, however much it may suffer by the misusing of the essential qualities of man; for instead of resorting to the device at his own expense of shaving the heads and oiling the skins of the old and less salable articles, as a furbish of their natural state to deceive the buyer, the capture, and the clipping and polishing, whether up or down, in a more artistic and profitable traffic, would have been done without cost to him by a great army of mercantile-agencyites, resting on opinion subject to orders. There is but little trouble in furbishing up opinion to put it in salable form. And by secret command, it was the agents and servants, led on by the arch-spy, of masters who held in contempt divine and personal rights, that made the capture in Gethsemane.

It has been remarked that a number of the states impose on the mercantile agencies a specific tax, but when these impositions are suggested it does not take long for them to mass a lobby against the proposed Arguments are made before the legislative committees, petitions are introduced, while in almost every legislative body their secret correspondents, more or less, are members, who, if their consent is gained, in a quiet way become effective opponents of the proposed tax. In general the states that impose the tax, or have made the attempt, are agricultural or mining; the other states, having a trade or financial intercourse with them, seem to prefer not to impose any public requirement on a system which promises to promote and protect this intercourse.* But this is one of the reasons, the main one in fact, which the opponents advance in the states that suggest or lay the tax; and yet the influence of this opposition, in imitation of the great centers, takes its initiative in the larger towns in these states. It is beyond comprehen-

^{*} Some exceptions. The bill before the Pennsylvania legislature in 1893. But this state is probably as much a mining and agricultural state. The tax on each correspondent was a new feature. Of course the bill was opposed in every conceivable way.

sion why any one not a customer, or who is not connected with the mercantile agencies in some way, should be influenced to sign one of these petitions. It is not for commerce to control or place exactions on society, nor is it for commercial organizations or individuals to control or place exactions on commerce in their own interest. At the ultimate centers which control the commercial legislation of the country, and where the mercantile agencies secure the bulk of their revenue, the reason is quite plausible that inasmuch as they open up distant trade, fetching it thither under promise of promotion and protection, they should not be taxed, while in the other states, besides this reason, they are shown to be public benefactors, as they pay out more money than is taken in for their work.

And if they are not public benefactors, why do they go into states where they spend more money than they make? With this presentation they should not be permitted to obscure the fundamental principle of their work. No state has yet invited them to come; they come on their own volition, on their own volition they can depart. The greater outlay is, however, only apparent as the tale is told, as to the uninformed the argument is plausible, provisionally, that the business itself were fair and legitimate. The centers where they make their money have dealing in these states, or the centers themselves would not be of such growths: if the mercantile agencies did not enter these states they would not have so much commodity to sell at the centers. After having quartered a corps in secret panoply on the people of a state, much ado is made if the direct revenue from customers in such state is not as large as the expense, as the people who do the work are not unminded of this condition of affairs, when not a word is said of the indirect revenue which the people of the state pay in the way of reports made of themselves, which are sold to the customers at the great centers who tax the cost in the price of their articles sold to these people. If this were not true they could not shake the dust of these states from their feet too soon, with maranatha upon their lips. Full well they know, also, that if they did not procure their commodity from these states, which so largely by their aid are prevented from building up their local centers, they would be driven into retirement, as their main customers would withdraw their support, since their use-distant reporting -would be extinguished. As illustration, why has the effort been so strenuous to report the people of South Dakota, in which state they have few or no customers to serve, if it is not for the purpose of procuring these reports to sell, but as well to meet this requirement of their customers at other places who have dealing in that state? With the rapid settlement of the country, the means of transportation fairly abreast of every development, with the commercial traveler in the van, the customer is reaching out, who, as one said, "We will attend to our information nearer home; see what you can do further off."

It would be difficult to characterize in moderate terms the impudence of the assertion that they are as necessary to the persons they report as to those of their business world; but when it is remembered that the reported have no hand in the treatment of themselves. generally all unconscious of what is being done, and when conscious to the extent of making statements, they are not believed, the assertion may be considered of that bold impudence which is resorted to in befooling those that are more credulous than they have perception or wit. Thus it may be seen, these states may produce by far a greater proportionate net profit, underpaid or gratuitous hands doing the work for them, than in those states where they have their more expensive officers, the customers in the latter, although more numerous but depending more on their own means of intelligence nearer home, and to this extent dispensing with their extended reports. The sum of sales producing their revenue, simply, in one place the commodity is sold which has been procured in another. And the best evidence against the assertion that they are useful to the reported is their methods, best known to the customers, and that part of their work which often is too appreciably felt, but the keener it is felt that much

keener are they to withhold the remedy. It is not believed they have had the assurance to dispute the words of the court, in that the object of the work is to spy on the community for the benefit of another part of it; but, in fact, as they grow older and more assured in the power and influence of money, this condemnation seems to be the least disturbing to an insolent equanimity. Yet, in truth, they do not know themselves what they do, the wrongs coming to their notice only when the complaint is made; the injuries they inflict and the misrepresentations they disseminate are known only to omniscience. For in such a gigantic work, thousands engaged in it, each one actuated by and responsible only to his own conscience, few or none who do the work known to them, it being possible for the whole adult population to fall under the espionage and report, who may feel the effect but not know the cause,

what they do it is hardly for man to know.

Those who have access to their books may compare the ratings in them with what he knows of the personal and pecuniary standing of the persons or firms set out, and certainly, if he is a business man he would rely, like the above customer, not only on his information nearer home, but, as in the nature of things, the same misleading and incorrectness pervading the whole system, he would endeavor to extend his private-knowledge of trade conditions to other parts of the country where his interests lay, in fear of being misled as he would be, were he governed by the ratings in question. And in buying the extended reports he could imagine the intelligence that selected the symbols for his guide. A customer may say he has little or no confidence in these reports and ratings, buying them to get at a basis, as one said, when he seemed hardly to understand that basis was the very substance and foundation of what he desired to know. The intelligent correspondent no doubt supplied his kind of basis on answering an inquiry about Richard Smith. "I know a one-horse merchant here who goes by the name of Dick Smith. He has nothing to speak of, and I would not trust him for a pound of salt." In fact, one Richard Smith lived

near by, quite an affluent farmer of excellent personal and business standing, while the Dick reported was another Richard of that prolific surname, a small merchant and rich by no means, but against whom nobody could say aught in his effort at making an honest living. It is not learned which was the subject of inquiry, or that Dick is himself again, but what the correspondent reported was of course spread upon the records; and in accordance with the fitness of things, to dispose of this large patronymic as cheaply as possible, two were killed with one stone. The customer had his basis for the Richard Smiths in that locality. But while the reported are not allowed to know what is said of them, they are permitted to trust to luck or intuition, which means they are expected to trust to the honesty of an intelligent experience—an intelligence and experience by methods of its own, which are hard to understand, that knows more about them in regard to their character. capacity, and pecuniary worth, than they do themselves.

The petition is a ready instrument by which legislation is opposed; forensic talent is available if need be before the committees; the special pleader will have prepared for him the logic of unanswerable sophistry; like other special interests that fatten on the people, who is hurt by paying a small indirect tax when by our plan so much honest labor is given employment, by which the wolf is kept from the door? Activity is quickened, opportunity is widened. But unfortunately for the mercantile agencies, they are parasitic in whatever way they are looked at; producing not one thing of value in the economic sense, they are parasites on the people, converting their reputations into a commodity without any compensation; they extract all they can from the customer, after he has renounced any claim for loss which they incur, while as parasites on labor they stand unrivaled in working the energy of others to their own profit. Happily the right of petition is a constitutional guarantee, yet legislatures are not long in advising themselves of the extent to which this right is abused, until now the spirit which made the demand in our organic law appears to have been transformed into a practical plan for exciting in the ordinary mind the suspicion that interested selfishness and the supremacy of private or special snaps make the best use of this landmark of popular government. However he may act, the law-maker is not long in realizing that the moral ingredient seldom enters a petition in the case of special interest against the people; and while it is his duty to give ear to the prayer from the standpoint of society at large, he is not always deaf to the fact that the petitioner of special interest is more prayerful on behalf of his own material advantage.

With bold assertion the mercantile agencies claim they are a necessity; hence some may be led to believe that public interest actuates them in securing the freest license. This pretension is punctured at once on seeing that the public, although made the free contributor to the object of the work, as it is made to meet the expense and profit, is yet excluded from a participation in that part which is alleged to be beneficial-the valuable information, by the most rigid compact of secrecy in which no elasticity of principle is allowed to enter. But this could not be otherwise, since the public is the victim. The fact of it is, on the practical side, they are private snaps for private gain, led on by avarice in its most oppressive form; on the side of sophistry they are the philanthropists of commerce, but on account of the inherent rascality of man they are forced to adopt the methods they follow. And working in darkness, they have created a business world to preside over as its savior, selecting those who patronize them to promote and protect; those thence left on the outside to scuffle for themselves, but are yet made the supports of the wonderful fabric; and so far as these supports are concerned, ought they not to be excused for regarding the superb assertion as but that kind of munificence heard of before, when another prince of darkness offered to make rich in material things if only he be allowed to have his way? Often there are assertions whose good promises are intended to be inverse to performance in that direction; the promise of protection

and promotion by the wrong-doer has its meaning in sophistry and guile; there are some beings bold enough to affirm the goodness of their acts against the face of the moral and natural law; the work of darkness, whatever its promises, must come forth into the light of truth and justice ere its promises and reliability may

be accepted.

The mercantile agencies that are invisible, by not having an office in the states which lay the tax, pay but little heed to legislative enactments; hence, as a matter of policy, they refrain from any outward protest, as it might disclose their identity. The tax-gatherer may not find them out, although they may be burrowing in the reputation of people all around him through their local correspondents. Those that are domiciled find no trouble in securing enough names to their petitions for appearance. The customer, of course, is first solicited to sign, being of business prominence, consequently of influence, when the next sought are those who are patronized for their opinions. The prayer sets out their great importance to "the business world," which would certainly collapse as such without them, but without specification as to who or what part of the real business world is benefited; and to give additional weight to their petitions, Boards of Trade and similar associations have been successfully importuned, the officers and members of which, who comply, as a general thing, their customers and opinion-givers. But if the great merchants, manufacturers and financiers do not know the necessities of commerce, who has the knowledge? This ought to be satisfactory to those who are the subjects of the inquisition, but having no part in it only to be used by the profit-winners for the alleged benefit of those who pronounce upon them. They are the successful men, have the experience; upon them devolves the right to govern the commercial needs of the country. Yet we are told that business is the epitome of selfishness, its object supremacy over man. The public is beginning to believe this to be the dogma, sure enough, of the day; and while private selfishness and supremacy is being attended to for the control and

subjection of others, for years the public has been garnering the most extraordinary experience in the land of liberty and infinite resources. It should be said, however, that numerously, these petitions are signed on the representations, and to do a favor on the request of the local representatives of the mercantile agencies. A personal appeal to spare the time to sign a paper, nothing else asked and the object taken on trust, seldom fails; the other fellow, whoever he is, who is more deeply interested, must see that the principle of the thing is protected. So, with this combined force, the able arguments before the committees, correspondents who are members of the legislative body soliciting their colleagues, members written to by their constituents, the other fellow, if he ever turns up, to whose lot it has fallen to look after the principle of the thingthe public weal, finds indeed that he is confronted by a

formidable opposition.

Then the "bonus" or "guaranty" scheme of these necessary aids. The "prominent business man" heading the petition of their need in promoting and protecting trade, the prestige and eclat of their presence, merchants and bankers of small towns, in speaking distance of their patrons, seeing whom every few days, have been induced to guaranty specified amounts for the honor of having a branch bureau of these spying systems in their midst. And if the press show a disinclination to pad its columns with their free advertisements, it will be suggested to the local representative where the recalcitrant is published, that inasmuch as this valuable matter is prepared with great care and sent to the newspaper at much cost for the edification of its readers, the publisher might be waited on to see what was the matter; and if he remained stubborn, a petition might be signed by his customers, who were subscribers of the paper, asking that the matter be published, as it was of great interest to the business community. But if business is so selfish, it looks odd that any one thus engaged should want so good a thing made common to all. Said a representative of a certain daily, which is a very enterprising news-gatherer, "I thought it would be acceptable to our readers to publish weekly the failures of the preceding six days in the section covered by our paper, with figures of assets and liabilities, and get the data from a mercantile agency. I soon found, however, I was merely getting the totals of what our paper was publishing from day to day. It was more convenient to get what the mercantile agency furnished from our files." The paste-pot and scissors are not confined to newspaper offices, and the journalistic ethics of credit does not follow up some cheap modes of information-gathering and redissemination, either, for profit.

CHAPTER XVIII.

CHOOSE from the books whatever method of logic you may, but if political economy has nothing to do with the science of society as a whole, it has earned its execration in the "economic man," and its prototypes of selfishness. Man must be regarded in his spiritual as well as in his material aspect; then only will he cease That spiritual the spoliation of his fellow creature. aspect is meant which has its definition in man as a social being, not theological or altogether religious, but man in his moral attribute in his relation to man, which, after all, is but a human side of life in conduct and opinion; and whether on this statical side of social physics, or regarded in the dynamic of his material advancement, the state is charged with positive action in restraining him, as a member of society, from those acts which militate against the common good. political economy has been diverted from its true meaning, the more positive science of sociology must succor the human race in its political organisms.

As has been said, if tariff is the only concern of the statesman, he is no further advanced than his A B C in political economy as a science, and just so of the money question which is being used so industriously for obscuring, we are almost led to believe, the true cause of the country's politico-commercial wrongs; with the natural consequence by controlling its resources and concentrating wealth, of poverty and wretchedness; yet the main instruments they are for producing the conditions we see in a land of fertility and civilization, with its commerce perverted by avarice which leads to the desire for supremacy. "Give us such special laws as please us, and pass no more laws," is an exploded economic; laissez faire has served its purpose of cupidity and in-

humanity; the twentieth century will inherit a civilization better prepared for positive action in social

thought which includes all alike.

The love of money, laying hold of monopolies as the means of its gratification, supremacy of wealth the end, there must be a control of the productive forces. Why should not profit, both of labor and capital, be controlled, prices and the kind and quantity of money? But find the value of a monopoly, seize it, and then set what the maximum profit shall be to correspond with the law of supply and demand. And, as is well known, there are monopolies in which the cost of production may be so neglected, decreasing in value or trustworthiness the article to the consumer, but who has no alternative only to dispense with its use. although large profit provokes competition, there are monopolies which, producing large profits, as they can be made to yield so long as consumers or a demand is found, yet do not induce competition by reason of their precariousness; such, for instance, as may be repugnant to human employment, whose every act is a menace to its stability; or, to succeed in the monopolistic idea of profit, others must be induced to bestow upon them their gratuitous services. In this kind of monopoly the price of the article is not affected by potential supply, as in those occupations whose produce is legitimate, and the demand not confined to a limited number; potential supply, which is mostly in possible competition induced by great profit, affects price almost as much as actual supply. So following, there being no fear of potential supply, that which is offered to those who demand the product must be satisfied, whatever the profit may be or the neglect in its production. But the main deterrent of potential supply may be the dependence on persons who are in position to refuse to give their services gratuitously.

There are two modes of conducting monopolies. "The management may aim at keeping down expenses and charging high rates, being contented with a moderate traffic, or it may be to lower the charges and incur additional expense to increase the gross income." It is obvi-

ous the first method would be followed, there being no fear of potential supply, and the demand confined to a few, while on the other hand, the second method would not be pursued unless a considerable body of consumers were interested in low prices. Thus, although the profit may be extraordinary, yet on account of the precariousness of the production and the limited demand, both acting as restraints on competition, the cost of production may not only be neglected in keeping down expenses, thus diminishing its value to consumers, but the price may be put up to the highest in order to secure the maximum profit, which is the object of monopolies. But however high the price of some articles of monopolistic production, its use may not be lessened by those who demand it, since the public may be made to pay the cost and a profit on the cost.

There is no community of interest between the great world of human endeavor and the mercantile agencies. only as a small part pays tribute to them, while the other must be the support of their expense and profit. They create, however, a communism in its most repulsive form at organizing society by establishing the reputation and sources of livelihood of the individual, attracted to the movement as they may live on the

labor and industry of others.

Leaving out of the account the greater but unestimated loss entailed by their reports, and producing no offset of economic value, but since their "establishment," 500 millions of dollars no doubt approximate the direct absorption and loss from the resources of the country, the question very naturally recurs, "What interest do the mercantile agencies promote and protect at such an enormous expense to the public, besides their own?" We are told of the promise that one part of the community was to be benefited by their work in subjecting the other to its inquisition and espionage, which is the very essence of monopolistic arrogance and tyranny. But experience is a better teacher than theory, realization than promise; time is always the developing witness of the devices of men; historical truth and opportunity for criticism of the past and present are now more general.

Now if a wise reticence had been preserved, however flattering and shrewdly written to suit the purpose of a puffer, instead of agreeing with representations of what had appeared in the public prints at bolstering the mercantile agencies for contemporaneous effect. men would not so often fly in the face of concurrent fact, even while holding in low estimate the common sense of right, and contemporary experience. Apart from the swindlers and sharpers, which no people will admit themselves to be in their business relations, and under conditions untrammeled by government, it is very doubtful if in the world's history it can be shown that of itself trade is destructive or fearful of itself. Always constructive and using man's best faculties in its interest, the safeguards of its protection are in its exchanges, in kind, for a money equivalent, or on credit. The latter having assumed the greater proportion, impalpable and invisible, it has been seen how the mercantile agencies would give it currency with the stamp of their approval or disapproval. As a private monopoly for gain, this is undertaking a great deal for a people. The transactions of trade are tremendous in the aggregate, with individuals they are comparatively small; and while we read of trade failures here and there, until speculation became dominant, it never occurred to any one as to how credit and confidence would be affected by them outside the relatively small number directly concerned. But all at once, after 1841, trade older than the history of man, the mercantile agencies had become a necessity, sanctioned by the usages of commercial communities; put in operation after the terrible mercantile revolution in 1837, as a remedy for some of the difficulties which had just been so heavily experienced; to supersede and hold in check the commercial travelers, who were not to choose customers, but to make collections and obtain orders, and who frequently solicit patronage without regard to the fitness of the subject of credit.

The attempt has already been made to show how this usage, claimed to be established by a court decision in the state of their origin, is in contravention of all other

law and precedent, but which has been ignored by courts of the same state, as it is well known there are thousands of our foremost business establishments that dispense credit without the use of these necessary aids to credit information. Now, it is well understood that trade or merchandising had nothing to do with the terrible mercantile revolution spoken of, only to this extent, those so engaged legitimately and without speculation were among the victims. Labor was in employment; supply and demand maintained their

equation; prices were satisfactory.

But what of the fiscal system or branch of commerce at that time, and since, as a cause in these terrible revolutions, that is, the panics and industrial depressions, brought about by the speculation of those who control what AdamSmith calls"the great wheel of circulation?" The banking system had kept business in a state of intermittent turmoil for many years prior to 1837, owing to the spirit of speculation which had taken possession of the country, and the setting up of these institutions was followed as the chief instrument of this spirit. They multiplied and inflated the money circulation with private issues bottomed on a variety of paper promises; speculation in almost any kind of security was rife; men were importuned to borrow; when, on account of the enormous volume of re-discounts which ensued between the banks. if one of considerable capital stopped payment, the rule appears to have been general that all should stop. The wheel of circulation would then stop revolving. It is easily seen how this process, happening over again, would contract the volume of money without a moment's notice, depreciating that in circulation except the standard, which was appreciated, while merchants and others who had discounted their paper, or obtained advances from the banks, in legitimate transactions, were carried under along with them.

From 1837 to 1843 the bank-money contracted considerably over one-half. Trade and the industries being the victims, in their promotion and protection it would seem the mercantile agencies should have called themselves into existence to watch over the banks, and

safeguard the country against them. There would have been some reason in this, but inversion seems to be their rule. Then, and ever since, we find the commercial traveler not only collecting money and taking orders, but they are still in request for supplying their houses with credit information in regard to the sales they make. They have increased in number from less than 5,000 at the time they were to be displaced in the chief function of their professional duty, until now, as the country advances in population, and the wants and comforts of a civilized people grow apace, recognized by the highest courts in all their business relations, they make necessary to society in a pursuit of law and order, a host of

over 90,000 intelligent, able-bodied producers.

But what interest do the mercantile agencies promote or protect in the development of a people? What wants or comforts do they produce or supply to society? What are their ways for law and order? They were to remedy the terrible mercantile revolutions which took place up to the time of their discovery, precipitated by bank speculations, and to render safe and profitable to all concerned the great credit system. This "all concerned" no doubt meant the business world which they created. In 1837 all the banks suspended producing of course a fearful effect on commerce and production. The strongest in resources resumed payment the following year, when in 1839 and 1840 other crashes took place; in the latter year about 180 were wrecks, including the bank of the United States. The loss of property and the wretchedness produced was incalculable, when a new speculation on the impoverished condition of the people became the order of the day. To use the language of the American Almanack, "the injury resulting to society from the upheaving it occasioned of the elements of social order. and the utter demoralization of men by the irresistible temptation to speculation which it afforded, ended in swindling to retain ill-gotten riches." It was during this condition of the social order when Tappan invented his mercantile agency, Bradstreet and others following a few years afterwards. It was a coincidence that these remedial necessities were discovered at a period of unprecedented speculation, and when every known field for money-making was being exploited. Spying on one means he is charged with an offense or that he is under suspicion of wrong intent. Swindlers took advantage of the times to make and retain their ill-gotten riches; probably the mercantile agencies were organized to run down these, but the swindling banks, and the adventure proving profitable, it would be well to put the whole people in the category, since the more extended the field of operation that much greater would be profit, even though in seizing a public monopoly the law had to be ridden over, but with the expectation of making it pliable or elastic at some future time.

But the banks again multiplied. Speculation is behind most booms, as the shrewder speculator is generally on the ground when the collapse takes place; discounts and bank advances grew to an enormous extent; when, starting in New York City, the home of the mercantile agencies, in 1857 every bank in the country stopped payment. The panic was general and dreadful; the contraction of the currency destroying values, industrial energy paralyzed, the poor unable to get their dues; trade again

passed through a maelstrom of failures.

The laying of such disasters to trade, or a lack of the means of information in respect to confidence and credit among those who are engaged in trade, is like the thief crying"Stop thief." Credit and confidence are reciprocal in their relation to a normal state of trade, without which commerce would not be an organic part in the development of society. And when is trade not normal but from conditions produced by the elements of nature, or by those that pervert commerce for their own ends, or those who crowd in with the idea that it affords the easiest way of getting rich, when with factitious agencies schemes must be invented to put into it a different life? Human forces constantly operate against it, as in the disasters brought about by the conduct of the banks; and so with an extrinsic force, generally the plan and results of cupidity, it cannot be said that commerce had come to the extremity where it needed a special guardianship or espionage, apart from its own

laws, to promote or protect it. There may be no doubt, however, that grave faults can be charged to the positive action of state, sometimes in the encouragement, sometimes in exercising no restraint upon the causes which produce these disastrous effects on society.

As the mercantile agencies were to render safe and profitable the credit system, banks so largely their customers, it is a circumstance, also, how they were to figure in bringing about this end; and to what extent their reports were to advise the loans and discounts of the banks. After they had been in existence long enough to have made reports of almost every one through their growing army of reporters and correspondents, it may be assumed they were now in position to inaugurate the beginning of the great epoch of this assurance. Banks grew in number. Loans and discounts rapidly increased, especially in New York City, at what suggestion we are not told, only that speculation was abroad. The bureau of information of the personal and pecuniary reputation of men in full play, when recurring over again banks stop payment, shaking the industrial situation from center to circumference; credit and confidence afflicted as with a palsy, it takes the country a long time to get over the blight put upon its com-merce by speculation. Yet the mercantile transactions are the cause and need an espionage over them! Of course the usual claim is advanced of putting it on the other fellow, but nobody believes that the dreadful situations can be attributed to legitimate commerce. But by putting it on the other fellow, and keeping it there, the mercantile agencies saw their opportunity, in that, those who experience the effect away from the places of origin produce the cause. The jobbing and manufacturing customers of the reputation-traffickers that withstand the shocks, are hardly in the boom as speculators, but they certainly have cause for regret, reacting as it does on their business, that those who bring on the catastrophes do not use a greater sagacity in advising themselves of credit conditions, from whatever source they get their information. But speculation as an art in money-making is on some future turn, which becomes the object to bring about. Hence commerce and those who are legitimately engaged in it, the industry and production of the country, pass to the tender consideration of "bulls and bears, combines and corners," which the

mercantile agencies love to talk about.

Passing over the period of the civil war, when everything was open and shut for the patriot who stayed at home to serve his money-making propensity on the evil day of his country, we find eight years afterwards, when the mercantile agencies had spread their systems over the land, and notwithstanding supply was short, money more equally distributed among the people, every energy put forth to recuperate the four years of waste, another bank panic occurs. Through another period of depression and business failures, commerce had to withstand the shock by the force of its own laws; credit and confidence could be restored only in response to the needs and resources of social order, which always makes for prosperity. At last, after the calamities brought about by speculation, the return of confidence and credit is dependent upon revitalizing the industries which have been victimized. Whether this disaster was precipitated by the speculations of the banking house of Jay Cook & Co., other banks following its ruin by suspension, or going to the wall completely, or whether the cause may be attributed to the demonetization act, called "The Crime of '73," we know that credit and confidence in legitimate business had nothing to do with this recurrence of depression, and that the mercantile agencies could have done nothing to avert the calamity, only they may have advised some of the speculative investments of bank customers by their reports. Credit and confidence were shaken, failures occurred in trade, and again one would have supposed the effect was the cause, as the mercantile agencies rehashed the happenings for the delectation of credulous business

And in the experience of the younger business men, what have they accomplished for trade or commerce through the recent years of booming and speculation, reacting on commerce intermittently since 1883,

and culminating in the bank suspensions and failures of 1893, the results of which have not yet left the country, but are likely to return in a more acute form as against commerce and production by reason of the money agitation disintegrating parties and forming new political alignments, in the effort as to who shall control?

But the mercantile agencies are drifting along as usual at profit-winning. Accumulation and control going on, commerce in travail; the population never before in such a state of unrest over causes which are not understood; thousands on thousands depending for bread by the sweat of their brow, out of employment; men seeking for relief in visionary organizations; men endeavoring to fasten on their fellow creatures a condition which the concentration of wealth must produce; prices of necessaries hardly paying for their production, especially in the agricultural communities; business men worn out by the long strain of hard times. And still the monetary system victimizes trade and industry, or rather, the notable commercial depressions have been precipitated by those customers of the mercantile agencies who control "the great wheel of circulation." The sudden contraction or withholding of the life blood of commerce affords no better opportunity to the speculator, although he may be among the first to fall a victim to his plans. But he is willing to walk among the pitfalls, taking his odds, in striving for the coveted goal. He is a nineteenth century pirate. He is in the merciless work of selfishness and supremacy.

Whatever the influence may have been of the mercantile agencies in these recurrences, whatever the advice and information of their reports, the banks have always been their staunchest supporters and customers. Those who are not so old as to be regarded as only venerables in traditionary lore, may compare the commercial history of the country in its relation of legitimate trade to credit and confidence up to 1841, with the period since that time when the mercantile agencies were to remedy some of the evils in commercial trans-

actions by a system of inquisition and espionage. And whether it be bimetallism or a gold standard, there is speculation and depression whichever way it goes, and on until the exchange of values in our commerce is enough and fixed, let alone, and subjected to the caprice

or selfishness of no man or set of men.

But the course of events is followed only to ascertain the realization after the mercantile agencies sprang into existence with the great promise, at a time when speculation was rife, the bank failures having ruined values and paralyzed industry, credit and confidence in legitimate transactions upset, but similar events recurring in more pronounced form when they were to uphold, extend, and render safe and profitable to all concerned the great credit system. Have they not been figures rather in the greater cause, as they are the direct instruments which bring about some of the panics

and depression among individuals?

When the power of the banks and commercial organizations was being exerted for the repeal of what is known as the Sherman Law, by suggestion and innuendo they used their influence as far as they would permit themselves to go without declaring where they stood as partisans. Their weekly emissions intimated the good times expected after the repeal of the odious law, but as usual with their forecasts, people wondered what they were driving at, and what they knew about it, or had to do with it? While the outcome may have been satisfactory to them, their speculations on the future of business, for the benefit of the public through their advertisements, were quite disappointing. After more than two years of waiting for the good times, their best friends meanwhile in position to break the treasury of the nation of its reserve. their readers feel justified in putting them down as without the prophetic gift so far as the interest of the public is concerned, although they may be excellent aids for contemporaneous effect in promoting special interests, while commerce and industry remain victimized through a period never before so extended, as the people, who are blessed with an inquisition over them, must await the issue of the war of the financiers.

And still, to the extent the public may see their words of knowledge and intuition, they are allied with the persistent agencies of contraction, ruin and supremacy, now having reached the point of denouncing the Congress of the people, in particular of late the Senate of the United States, because the controlling money

interest is not promptly obeyed.

Of course this review is filled with circumstances; wealth is centralizing, combinations controlling, and, as we are informed, business is selfish, whose object is money which gives supremacy. But what part are the mercantile agencies playing? The people are particularly interested in them, since their ways are secret and mysterious, and as they have to foot the cost. It is quite clear that so long as a state of unrest and depression is maintained, the phrase "credit and confidence" can be played on, while the victims may be made to pay for both the cause and the use to which the effect is put by an inquisition and report of their private standing. So if we pick up the daily papers and learn that depression exists, failures continue to an abnormal extent, stagnation or fitful starts in the manufactures, agriculture controlled in its prices, thousands out of employment, violence and destitution here and there, credit and confidence under a cloud and the physical means crippled which inspire the former, speculation and "combines" raising the price of necessaries over twenty-five per cent in less than a week, while at the end of the six days we may expect to read the mercantile agencies' epitomized account, with speculation as to what speculation will do the next week.

To be sure, they continue to spy out the subjects of credit through their great army of emissaries, who make as seem best to them reputation reports which are sold at so much apiece; and still the same conditions recur, the causes emanating elsewhere, trade and industry victimized yet further as the scapegoat of impaired credit and confidence, while men wonder when it will all end. The spirit of fair play is said to be the backbone of civilization, and if it was this spirit which rebelled in New York City against political bossism, the espionage and secret report of persons by their emissaries in satisfaction of a money-making propensity, the black-mailing and black-listing brought to light and overthrown by an outraged public irrespective of party or creed, it seems the time had come to move against the private organizations which make of them-

selves a matter for national concern.

And because a people are unmindful of themselves, can the thought of these systems acting on posterity give them no concern? For in time, as men will feel inclined to apply for credit, they will be forced to make statements and admissions to these inquisitors, as now, when this is declined to be done, they do not stand so well in having assigned to them the symbols of their private reputation. And by adopting this method, among others, to force statements from the people, making it an offense against their customers, if declared false, the list of customers might be greatly increased. who care less for the personal and private rights of others than for any plan which promised the object of their desire. But in spite of it all, the greater the force and oppression of inquisition and espionage, the more will deceit, false representation, lying and swindling be practiced. It is a system that human nature will always rebel against; and if it cannot be used by those who are its subjects, which means it will be abused, yet both the use and abuse shall be the harvest of the customer in running down criminals. If permitted at all, is not this the tendency of the work? Are the mercantile agencies, then, a public necessity, or shall they be aids in making of us a nation of swindlers and liars?

If to invoke the God of man and plenteous power and love, can it be asking too much for a man whose imposing figure shall stand forth in the light of promise and reform? Whose character shall be whole; in public action his grandeur marked by oneness of purpose. Single-mindedness and veracity the essence of his nature; and unbiased by selfishness, live for country, truth and duty. With such a champion, determined and dauntless, with a lofty contempt for interested or prejudiced opposition, surely to be encountered, humanity shall be more than a word in the vocabulary of

a hopeful civilization.



